The University of Chicago

EDUCATIONAL LEGISLATION AND ADMINISTRATION IN THE STATE OF NEW YORK 1777 - 1850

A DISSERTATION

SUBMITTED TO THE FACULTY
OF THE GRADUATE SCHOOL OF ARTS AND LITERATURE
IN CANDIDACY FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY
DEPARTMENT OF EDUCATION

BY

ELSIE GARLAND HOBSON

Private Edition, Distributed by
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CHICAGO, ILLINOIS
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PREFACE

A complete study of any important piece of legislation necessarily involves a thorough-going presentation of the great formative influences behind it as well as of the political forces that were arrayed for and against it. Therefore it seems wise to remind the reader that the following pages claim to be little more than a chronicle of legislation and an exposition of results. To trace to their sources all the educational ideals embodied in the laws of New York, to evaluate the influence of men like Hamilton, L'Hommedieu and DeWitt Clinton, or to elaborate the political dissensions which attended some of the more important legislation, does not fall within the scope of this book. Neither has the writer essayed to detail the history of individual institutions, the work of distinguished educators, or to discuss educational methods. These things belong to another phase of the history of education. The desire of the writer has been to set forth as completely as possible the provisions that were made for education, to indicate the changes that took place from time to time, to show what sort of an educational system was evolved during this formative period, and to point out what was attained that was of permanent value.

Acknowledgment is herewith made to Dr. M. W. Jernegan for his generous advice and encouragement and for his critical reading of the manuscript, to Mr. F. W. Schenk for facilitating access to the Law Library of the University of Chicago, to Mr. B. C. Lane for the privilege of using the Boston Athenaeum, and to Miss Bertha R. Bowman for painstaking proof-reading.

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INTRODUCTION

The American Public School System is an ideal rather than a fact. What we really possess is forty-eight independent public school systems, though it is true that we have running through these systems a degree of uniformity which tends more and more to make them approach a standard type. But there still exist important variations which can be traced back to early periods in our history, due to differences in the educational ideals held by those living in the separate colonies and states. Those ideals depended, and now depend, on a variety of factors; on the one hand the inherited characteristics and institutions of the settlers, and on the other the environment in which they were placed. The reaction of these two factors was of great importance in determining the attitude of each state towards public education during its early history. Besides these general factors, there were many of a specific character that influenced the relation of the state to education. Among them may be mentioned first, the amount, the distribution and the racial elements of the population; second, the political, religious, economic, and social conditions of the people from time to time; and third, the character of the educational leaders and the sources of their ideals.

The constitution of the United States left to the individual states the control of education, thus continuing the power previously exercised. There has been but one attempt to bring together the important educational legislation of the colonies or states; namely, *Educational Legislation and Administration of the Colonial Governments*, by Elsie W. Clews (1899). This work, though incomplete, is exceedingly useful for tracing the relation of the state to education during the period in question. When one passes the date 1776, however, our knowledge of the total educational legislation of many of the individual states, especially those established before 1850, is very incomplete. This is due principally to the fact that the session laws of such states were issued in small editions; that few libraries have complete sets of the laws of even one state and probably no library has a complete set for all the states. Again, the codes of laws that have been issued from time to time by individual states, usually give information only with respect to the laws in force at a particular date. There is need of a series of volumes, which will give the complete text, or approximately the complete text, of the educational legislation of each state, especially for the period from 1776 to 1850 or thereabouts. While desirable, it is not so necessary for the

period after this date; first because the data can be located without much difficulty, and second because the amount is so large that the cost of printing it would be excessive.

The present monograph, concerned with educational legislation of New York 1776-1850, is one of a series now in preparation by former or present graduate students in the Department of Education of the University of Chicago. These monographs are intended to supply, in part, the gap in our knowledge of the educational legislation of various states. Owing to the large amount of such legislation, especially with respect to private institutions, it is not practicable to print, in this series, the text of all the educational acts passed. However, in order to provide the student of our educational history with the information which he must have in order to find easily the text of every educational act passed, there will be printed, in an appendix, as complete a list as possible of the titles of such acts, with exact references to the sources where each may be found. It is intended that every act, or portion of an act, bearing directly on education, shall be recorded. This will include not only public acts, but those of a private character, relating to every type of institution in which instruction was given as well as to literary, scientific, or miscellaneous societies whose purpose was the discovery or spread of knowledge. It is the purpose of these studies to analyze this legislation and make it intelligible, in chapters which will set forth the general factors that account for the legislation, its characteristic features, the relation of the state to administration, support, teachers, curriculum and other features of the public systems established, including elementary, secondary, and higher institutions. Other chapters, varying with individual states, will deal with special types of legislation involving such subjects as the development of city systems, the management of land grants for education, the relation of the state to special classes of public educational institutions, such as those for defective classes, and to private institutions as shown in the charters granted or acts establishing.

It is obvious that definite limitations must be made with respect to the discussion of the factors which account for each and every act, or for the legislation as a whole. A complete account could be given only by one who has a very exact knowledge of the political, economic, religious, and social history of the people during the period in question. Moreover, the laws themselves represent the last stage of what was often a long process in their passage. The journals of the upper and lower house, the reports of committees appointed, the debates of each house, petitions to the legislature, etc., are all a part of the material involved in making a

detailed study of the factors and forces surrounding educational legislation. As in the case of the laws, this material is difficult of access and incomplete. To follow in addition the motives of the various political or educational leaders responsible for the legislation, or the lack of it, would be still more difficult. For such reasons, only the more important general factors which influenced educational legislation are considered.

A complete picture of the legislation would, of course, trace the working of the laws, their judicial interpretation, and their main effects. But this is a still larger subject and does not fall within the scope of these monographs. Such matters are touched upon slightly in order to help the reader understand the relation between important educational acts. With such limitations, it is hoped that this series of monographs will lead to a better understanding of the evolution of the ideals of the American Public School System as developed in our early educational legislation and, in the present case, what New York contributed within the period discussed.

MARCUS W. JERNEGAN

University of Chicago.

October 19, 1918.

CHAPTER I

Formative Influences

At the outbreak of the revolutionary war New York was a small and rather backward state with no formulated policy regarding schools. In the next seventy-five years it developed into a populous and flourishing commonwealth with a complex dual school system. This system embraced on the one hand, the common schools under the direction of a state superintendent and on the other, academies, colleges, and professional schools under a board of regents, while the normal school occupied an anomalous position under the control of both. During this period the state legislature passed some nine hundred and seventy-five acts which were more or less closely connected with the progress of education.[1] The purpose of this study is not to discuss every such act which was passed but rather to present in detail the most important ones, to try to show some of the influences which modified legislation and to indicate some of the results achieved. Inasmuch as legislation is influenced both by established custom and by social and economic factors, the study of the laws themselves is preceded by a résumé of conditions at the close of the colonial period and by a brief sketch of the changing character of the population and of the social and economic conditions from 1775 to 1850. An attempt has also been made to show what motives prompted the early advocates of popular education.

When the revolution began, New York still laid claim to a part of Vermont and to a vast undefined territory west of Pennsylvania and north of the Ohio River. The area of actual settlement included only Long Island and the lower valleys of the Hudson, the Mohawk, and the Schoharie rivers. Beyond Albany and Fort Schuyler was a wilderness, unbroken save by Indian villages and trails.

The population, estimated at 190,000 in 1775,[2] already contained many diverse elements.[3] Hollanders formed the first settlements at New York, Albany and Schenectady, at several points along the Hudson, and at the west end of Long Island. The English settled the greater

[1] A classification of these acts will be found in Chapter VIII, p. 173.

[2] A Century of Population Growth, p. 6, (U. S. Bureau of the Census).

[3] State Census of New York, 1865, Introduction pp. lxxii and lxxiii.

part of Long Island, the county of Westchester, and much of the country along the Hudson below Albany. They also entered the cities founded by the Dutch where they finally preponderated both in numbers and influence. French Walloons, driven by French intolerance from the southern provinces of Holland, came with the Dutch and settled Wallabout, now part of Brooklyn. Huguenots, after the Edict of Nantes, found a refuge at New Rochelle, New Platz and New York City. A large number of Welsh settled near the upper waters of the Mohawk in the seventeenth century. Toward the close of the colonial period a permanent settlement was made by the Scotch in Washington County. From 1720-1730 men of Scotch descent, who left the North of Ireland to escape religious difficulties, found homes along the western frontier. They are credited with having established at Cherry Valley, in 1743, the first classical school west of the Hudson.[4] Governor Hunter, under the patronage of Queen Anne, brought over some three thousand Germans from the Palatinate, a country then desolated by war. After an unsuccessful attempt to employ them in the manufacture of tar and turpentine they were thrown on their own resources and established themselves as farmers in the fertile valleys of the Mohawk and the Schoharie.[5] These settlers were all protestants but they were not uniformly Calvinists like the settlers in New England. There were also some Irish and Scotch Catholics in the colony but their numbers were small as, after Leisler's rebellion, papists were deprived of their right to vote in New York and were not placed on a political equality with other sects until after the revolution.[6]

Besides these groups there were settlers from Pennsylvania and New Jersey and men who came to escape the religious rigors of New England, for, though the early settlers of New York may have been as spiritually minded as their eastern neighbors, they were undoubtedly more tolerant. This diversity of stock, the concomitant diversity of religious beliefs, and the less intense emphasis on religious forms were doubtless all factors in preventing the growth of a state system of education such as obtained in New England where the religious motive was stronger, where the Calvinistic dogma of universal education for universal salvation was accepted not merely as an article of faith but as a working prin-

[4] Hanna, The Scotch-Irish in America, Vol. II, pp. 50–57. This school was opened at the home of the Rev. Samuel Dunlop.

[5] Faust, The German Element in the United States, Vol. I, p. 283. Later most of them moved to Pennsylvania, v. S. H. Cobb, Story of the Palatines, p. 263.

[6] Winsor, Narrative and Critical History of America, Vol. 5, p. 191.

ciple, and where, moreover, the population was sufficiently homogeneous for politics, religion and education to be easily combined.

That the mingling of races had a disintegrating effect on a state system of education is shown in the early history of the colony. Under the Dutch supremacy church and state and school were closely united.[7] Schools were established under the control of the church and supported partly by the church and partly by the colonial government. After the English occupation, these schools were supported almost wholly by the Dutch church and the English established their own schools. In 1702 the colonial government passed an act[8] for the encouragement of a grammar free school in the City of New York for which £50 yearly were to be raised in the same way in which money was raised for the ministry, that is, by taxation. But in 1704 the Society for the Propagation of the Gospel, an English missionary society, became active in establishing schools and apparently the government threw off any feeling of responsibility for education. The next direct interest shown by the government was in the act of 1732[9] which provided for a public school in New York for the teaching of Latin, Greek and Mathematics, at which twenty youths were to be taught gratis. This undertaking was maintained until 1738,[10] and with it ended all official interest in secondary education for the colonial period. From this time secondary education was either in the hands of private individuals, as elementary education had always been, or under the control of the several religious denominations, or fostered by the Society for the Propagation of the Gospel. King's College, established in 1754, served the purposes of higher education. Kemp asserts, "From the accounts of Hildreth and other agents of the Society for the Propagation of the Gospel there is a basis for believing that between 1740 and 1775 both the City (of New York) and the province enjoyed school facilities probably comparable with the other provinces except those of New England; but being private ventures, the schools were most irregular and were almost constantly being interrupted except in the city itself. This resulted in a serious handicap to any sequence of instruction for the children as they changed from one master to another after the lapse of altogether too long intervals."[11] However efficiently education may have been

[7] Dunshee, History of the School of the Reformed Protestant Dutch Church, pp. 50–58.

[8] Clews, Educational Legislation and Administration, p. 234.

[9] *Ibid.*, pp. 239–247.

[10] Kemp, Support of Schools in Colonial N. Y., p. 73.

[11] *Ibid.*, pp. 78–79.

carried on, it is evident that before the Revolution, New York had no system of schools such as Massachusetts and Connecticut boasted, nor was there any established tradition that the state was responsible for the education of its youth. At the close of the Revolution there were probably some private schools, and some church schools, beside the remnant of King's College, but conditions undoubtedly fully justified Governor Clinton's remark that "the war has occasioned a chasm in education extremely injurious to the rising generation."[12]

The first constitution of the State of New York, adopted in 1777 and continuing in force until 1821, contained no reference to education. Chas. Z. Lincoln[13] calls attention to the fact that John Jay, who was so largely influential in framing the document, was called away from the convention by the death of his mother three days before its close; and that, in a letter to Gouverneur Morris and Robert R. Livingston, Mr. Jay criticized the hasty action of the convention and said he would have been for a clause "for the support and encouragement of Learning." Mr. Lincoln says, "In view of the influence exerted by Mr. Jay . . . we may reasonably believe that, if he had not been called away from the convention, some provision in relation to education would have appeared in our first constitution . . . . and the state need not have waited one hundred and seventeen years for a constitutional declaration in favor of education."[14] The constitutions adopted in 1821 and 1846 went no farther than to provide for the perpetuation of certain funds for educational purposes, which funds had already been established.[15] It should be noted that the convention of 1846 did adopt, at one meeting, two sections providing for the free education of every child of the state and for levying the necessary taxes for this purpose but for some unrecorded reason it reversed its action on the afternoon of the same day.[16] Thus it appears that constitutional provision in this state lagged far behind actual practice.

[12] Governor's Message, Jan. 21, 1784.

[13] Lincoln, Constitutional History of N. Y., Vol. III, pp. 488–489. The letter referred to is found in John Jay's Correspondence and Public Papers, Vol. I, p. 69.

[14] The Constitution of 1894, Art. 9, Sec. 1, makes the following provision; "The legislature shall provide for the maintenance and support of a system of free common schools wherein all the children of this state may be educated."

[15] Constitutions of N. Y., 1821, Art. 7, Sec. 10 and 1846 Art. 9, Sec. 1. See also F. B. Hough, Constitutional Provisions for Education in U. S. Bur. of Ed. Circ. of Information 1875, No. 7, pp. 68–70.

[16] Journal of the New York Convention 1846, pp. 1478–1482.

By the cession to the United States of her western lands on March 18, 1781,[17] and by the settlement with Vermont in 1789,[18] New York established permanent boundaries within which an era of expansion now began. The settlers on the Western frontier had suffered grievously from Tory and Indian raids during the war. It is estimated that in the Mohawk Valley only one third of the population remained when peace was declared.[19] Though this may be an exaggeration there can be no doubt that unspeakable devastation was wrought by marauding expeditions, massacres, and the burning of towns. General Sullivan's expedition to the Seneca and Cayuga country in 1779 broke the power of the Six Nations. It was not long before immigration to this fertile region began.

The prodigality of the state in the disposal of public lands gave an immediate impulse to speculators and to adventurous settlers. In 1782 a tract of land between the Oneida, or Tuscora, country and Seneca Lake was reserved for bounty lands.[20] This was known as the Military Tract and was intended to satisfy the claims which should arise under the acts of 1781[21] and 1782[21] which promised to men serving in the army land in lieu of money, the state being "greatly distressed for want of specie."[22] The Indian title to this domain was extinguished by a purchase from the Onondaga and Cayuga Indians in 1788 or 1789 and the Surveyor-General was forthwith directed [23] to lay out as many townships as would satisfy the claims under the previous acts, and to set apart one lot in each township "for promoting the gospel and a public school" and another "for promoting literature," the proceeds to be applied "as the legislature shall direct." By an act of 1786[24] "for the speedy sale of unappropriated lands," commissioners of the land office were appointed who were authorized to cause the actual survey of all lands which they deemed proper for sale, in townships of 64,000 acres, reserving

[17] Donaldson, Public Domain, p. 44.

[18] Laws of New York First meeting of the 13th Sess., Chap. 2, 1789, July 16. By this law New York renounced its rights to the land claimed by Vermont.

[19] Roberts, New York, II p. 450 (Figures taken from a meeting at Fort Plain, May 9, 1783).

[20] Laws of N. Y., 1782 July 12, Ch. 11. First meeting of 6th Sess. This included the present counties of Onondaga, Cayuga, Seneca, Cortland, most of Tompkins, a small part of each Schuyler, Oswego and Wayne.

[21] *Ibid.*, 1781, Mar. 20, Ch. 32 and 1782 Mar. 23, Ch. 22. The former act provided for the appointment of a Surveyor-General to look after the distribution of these lands.

[22] *Ibid.*, 1782, Ch. 22, Preamble to Sec. 3.

[23] *Ibid.*, 1789, Ch. 44.

[24] *Ibid.*, 1786, Ch. 67. Two laws previously passed for this same purpose were

in each one lot for "gospel and schools" and one for "literature." An act of 1789[25] provided for the laying out and sale of lands west of the Unadilla river with reservation of lots for "gospel and schools" but not for "literature." These lands, which had been bought from the Indians in 1785, comprised Chenango, Madison and Oneida Counties. By 1805 this land had all been sold including the lots set apart for the support of the gospel and of schools.[26] By an amendment[27] to the above mentioned act of 1786 the Commissioners of the Land Office were given full power "to sell and dispose of any of the waste and unappropriated lands in the state in such parcels, on such terms and in such manner as they shall judge most conducive to the interest of this state," certain lands in the southern and eastern counties being exempt. Under these various acts nearly 20,000,000 acres were sold for nominal sums,[28] 5,542,173 acres being disposed of under the act of 1791.[29] Although most of this land fell into the hands of wealthy men and speculators and great tracts were held for years unimproved, much of it, nevertheless, was immediately disposed of to settlers at comparatively low prices. Massachusetts claimed a large part of Western New York by right of early English grants. The claim was adjusted in 1786 by giving Massachusetts the preëmption right to ten townships between the Owego and Chenango rivers and to all land west of a line drawn through Seneca Lake, except a tract on the Niagara River.[30] This latter tract was sold to Massachusetts men in 1788, the ten townships to John Brown and fifty-nine associates, and the western tract to Phelps and Gorham.[31] The latter men by a purchase from the Indians secured their title to 2,000,000 acres between Seneca Lake and a line about twelve miles west of the Genesee River. They promptly set up a land office at Canandaigua and disposed of about one third of the land. The rest of the Phelps and Gorham purchase was disposed of to Robert Morris who

hereby repealed namely, Ch. 60 of 1784 and Ch. 66 of 1785.

[25] *Ibid.*, 1789, Ch. 32, v. Chap. VI, pp. 118 and 121-132 for use made of school and literature lots.

[26] *Ibid.*, 1805, Ch. 133, Preamble, v. Chap. VI, p. 122 for provisions for compensatory grants.

[27] *Ibid.*, 1791, Ch. 42.

[28] Macauley, History of New York, III, pp. 428, 430, 432.

[29] Hammond, History of Political Parties in N. Y., Vol. I, p. 57.

[30] The claim was adjusted by a commission which met at Hartford, Conn., Dec. 16, 1786. Fletcher, A. C., Indian Education and Civilization, Chap. XVIII. Bureau of Education, Special Report 1888. For text of the agreement see Senate Doc. 108, 1873, pp. 216–223.

[31] Hotchkin, Purchase and Settlement of Western New York, pp. 8–11.

also secured the tract lying west, later known as the Holland Patent. By him all this land was eventually sold to individuals or to companies, but it was practically unsettled until after 1800.

Although statistics are wanting, it is an accepted fact that New Englanders were the largest factor in the settlement of the lands thus opened for sale in central and western New York. A desire for economic betterment, an adventurous spirit and missionary zeal probably all played a part in this movement. The better land in New England was largely taken up, prices were comparatively high, and the economic situation during the paper money craze made existence almost impossible for the farmer. New York was unusually fertile, the price of land was comparatively low, and the country was safe, for the Indians who remained had been peaceably dispossessed. Macauley, writing in 1848, gives as prime causes for the New England emigration, the reports of fertility carried back by soldiers who had taken part in the expeditions against the Indians, the exodus from Massachusetts after Shays' rebellion, and the cession to Massachusetts of New York lands.[32]

The following statement is a typical one in the attitude it takes toward the part played by New England in this western settlement. "In tracing the movements of our population the influence of New England in giving origin and character to the early settlements of the northern, central and western portion of the state will attract the attention of the most casual observer. Immense tracts of land including the entire region west of Cayuga Lake and extensive districts on the southern border, the Chenango, Delaware and Black Rivers were purchased by and settled under New England men whose descendants still form an important proportion in the population of these sections of the state. In the absence of numerical data it would probably be an approximate estimate to assign the proportion of these of English origin direct, to those of English ancestry from New England as ten to one."[33] Massachusetts, Vermont and Connecticut each contributed its quota. Between 1784 and 1800, "ten thousand settlers are believed to have arrived in Herkimer Co. alone. Many of these came from Western Massachusetts, (after Shays' rebellion). . . . Early settlers in Tioga

[32] Macauley, *op. cit.* III pp. 417–418.

[33] New York State census of 1875. Intro. p. lxxiii. See also Mathews, The Expansion of New England. Timothy Dwight writing between 1815 and 1820 (Travels in New England and New York, Vol. III, p. 266) said "From 3/8 to 2/3 of the inhabitants (of New York) have originated from that country (New England). The proportion is continually increasing. New York is therefore to be ultimately regarded as a colony from New England."

county came in 1791 from Stockbridge, Massachusetts, with packs on their backs . . . . The Susquehanna Valley was invaded by many men from Vermont . . . whose titles to real estate had been lost in the settlement of the New Hampshire grants and to whom as compensation were given lands in the Susquehanna Valley which New York had purchased from the Oneidas. . . . But the upper Susquehanna lands were more indebted to Connecticut than to any other part of the country. . . . In the New York constitutional convention of 1821 a majority of the one hundred and twenty-seven members were either born in Connecticut or were sons of fathers who were born there."[34] Besides the large New England element there was also some admixture of people from New Jersey and Pennsylvania, especially in the Military Tract.[35] These people were not obliged, like the early colonists, to settle in considerable groups the members of which were mutually dependent for safety and success. The country was productive and safe and the settlers might scatter where their material interests were best served, a condition which tended to develop an individualistic rather than a community spirit. Lack of transportation at first isolated them still more. The rapid development of turnpikes and canals,[36] however, modified this isolation so that by 1800 "the western country began to attain consequence in the councils of the state."[37]

In considering the formative influence of New England on educational legislation several facts are to be noted. New England itself had undergone a change since Puritan days. Religious ardor cooled in the eighteenth century, commercial interests increased, and with the development of the district schools education declined. The people at large were more indifferent to education than they had been in the previous century and they lacked the educated leadership which had been powerful in moulding the educational policy of the early days of the colony. The great immigration from New England into New York occurred between the years 1785 and 1810, the mass of the people probably moving in the decade from 1790–1800. From 1775–1820 is generally reckoned a period of educational decadence in Massachusetts and Connecticut which had been pioneers in educational legislation. The Massachusetts

[34] Halsey, The Old New York Frontier, pp. 339–342.

[35] Hotchkin, *op. cit.*, p. 25.

[36] "During the years 1799–1819 the legislature passed 253 acts incorporating turnpike roads. The great progress in canal building . . . dates from the year 1817. In 1825 the state had 363 miles of canals. . . . The construction of railroads began about 1831," Sowers, Financial Hist. of New York, p. 14.

[37] Macauley, *op. cit.*, III, p. 427.

school law of 1789[38] which legalized the district school, established a minimum year of only six months, required grammar schools in towns of two hundred families and authorized local civic divisions to levy a tax for the support of schools "to teach their children and youth to read, write and cipher," is conceded to have been a relaxation of former requirements, and even the existing laws are said not to have been "so well regarded in many parts of the state as the right purposes for which they were intended and the happiness of the people require."[39] In Connecticut,[40] schools had been supported by state funds, local taxation, and tuition. In 1795 a school fund was created from the proceeds of the sale of western land. In 1798 local taxation was made optional and schools were generally open only so long as money from the state fund permitted.

Notwithstanding the apparent lapse of educational interest and the fact that the state of education left much to be desired, the New England people were at least familiar with the idea of the desirability of universal education and with both the principle and the practice of town taxation for school support. The people from Connecticut, moreover, carried with them the knowledge of a state fund set apart for educational purposes. Considering the lack of interest in common school education manifested by the government in Colonial New York, the fact that the New York law of 1787[41] which provided for colleges and academies ignored common schools, that permanent state control of such schools was not maintained until after the New England settlers were well established in their new homes, and that the names of Jedediah Peck and Gideon Hawley, both natives of Connecticut, are identified with the establishment of the common school fund and the development of the common school system, it seems fair to credit New England with considerable influence on New York's educational policy so far at least as the common schools are concerned. This influence, however, may easily be over-estimated if we do not remember that men like George Clinton, John Jay and Morgan Lewis, born and bred in New York, were earnest advocates of popular education. Moreover, as regards the higher departments of education it should not be forgotten that the bill of 1787, above mentioned, established a system of academies and colleges which is even yet not wholly discredited.

[38] Martin, Evolution of the Mass. School System, p. 83 ff.

[39] Winterbotham, An Historical, Geographical and Philosophical view of the United States, Vol. II, p. 177.

[40] Steiner, History of Education in Connecticut, pp. 35–39.

[41] v. Chap. II, p. 22 ff.

During Washington's second term a tide of immigration set in toward the United States due partly to the opening of the west and the demand for laborers, partly to the unsettled conditions of Europe. New York received her share. A band of several hundred French refugees were given a grant of land in Clinton County.[42] Refugees from San Domingo were tendered legislative aid.[43] So great was the number of indigent immigrants from Europe that Governor Jay referring to their utter lack of resources, suggested that the state ought to provide for them instead of leaving them a burden upon local charity.[44]

The next influx of a foreign element came between the years 1817 and 1825 when 34,000 aliens are said to have entered New York of whom some went to the west but "a large portion remained and formed an element hard to govern."[45] Again, after 1842 "men of wholly foreign speech and habit seeking a free place for a new life, bent upon their own betterment and thinking little of aught that did not touch their own fortunes came crowding endlessly in."[46] The effect of this nineteenth century immigration on education was not stimulating except as it made obvious the limitations of the existing system and incited the people to ameliorative measures. This new population gathered chiefly in the cities, largely in New York itself. By its poverty and indifference to education it greatly complicated educational problems but it made free education for a large part of the population a necessity and thus opened the way more quickly to free education for all.

By these various elements, combined with natural growth, population increased from a meagre 233,896 in 1783 to 3,097,394 in 1850.[47] The greatest percentage of increase occurred before 1810 while the tide of settlers was pouring into the newly opened lands of the central and western district. The rate of increase from 1790–1800 was 73.19 per cent; from 1800–1810, 62.81 per cent.[48] The central tract which extended from the Schoharie and Delaware Rivers, north to Clinton County and west to the Seneca Lake was all included in Montgomery

[42] State Census 1865 Intro. p. lxxiii.

[43] Laws of N. Y., 1794, Ch. 56.

[44] Governor's Message, Jan. 6, 1796. The number must have been relatively small, though large for that time, since the total average immigration per year from 1794–1810 is set at about 6,000. (Rept. of Treasury Dept. Immigration in the U. S. 1820–1903, p. 4336).

[45] McMaster, Hist. of the People of the U. S. Vol. V, p. 124.

[46] Wilson, A History of the American People, Vol. IV, p. 132.

[47] A Century of Population Growth 1790–1900, p. 57. U. S. Bu. of the Census.

[48] State Census 1875, p. 8, Table No. 7.

County in 1790 and had a population of 28,848.[49] In 1800 it had been divided into ten counties which returned a population of about 137,000.[50] Ontario County in 1790 included all the land west of a north and south line through Seneca Lake and had a population of 1,075.[49] In 1800 it approximated 20,000.[51] The entire increase during these years was not in the western part of the state. An examination of the census tables shows that crowds flocked yearly to the valleys of the Hudson and the Delaware and to the northern counties. New York City increased between 1792–1810 from 33,131 to 96,373, Albany from 3,498 to 10,762.[52] There was a sharp falling off in immigration during the war times of 1812, and thereafter the percentage of increase fluctuated, the highest point being 32.52 per cent in 1820 the lowest 7.23 per cent in 1845.[53]

[49] U. S. Census 1790.

[50] State Census 1875, p. 2, Table No. 1.

a. The ten counties made from Montgomery Co. were:

	POPULATION		POPULATION
Cayuga Co.	15,907	Onondaga	7,698
Chenango Co.	16,087	Oswego	21,343
Herkimer	14,503	Tioga	7,109
Montgomery Co.	22,015	Part of Delaware	(Total) 10,228
Oneida	22,258	Part of Schoharie	(Total) 98,081

Since it included parts of two counties it is impossible to compute exactly the population of the district originally included in Montgomery Co.

[51] The census of 1800 assigned to Ontario Co. 15,218; to Steuben Co., made from Ontario, 1,788; and to Schoharie, made partly from Ontario and partly from Erie, 9,808, v. State Census 1875, p. 2.

[52] State Census 1865, pp. VI and XXIV.

[53] *Ibid.* 1875, p. 2, Table I and p. 8, Table 7.

YEAR	TOTAL POPULATION	ACTUAL INCREASE SINCE LAST CENSUS	RATE OF INCREASE
1790	340,120		
1800	589,051	248,931	73.19
1810	959,049	369,998	62.81
1814	1,035,910	76,861	8.01
1820	1,372,812	336,902	32.52
1825	1,616,458	243,646	11.75
1830	1,918,608	302,150	18.69
1835	2,174,517	255,909	13.34
1840	2,428,921	254,404	11.70
1845	2,604,495	175,574	7.23
1850	3,097,394	492,899	18.92

The period from 1790–1810 was a time of great rural growth, the period from 1820–1850 especially the first decade of this time, is marked by the phenomenal growth of cities. In 1820[54] only nineteen out of about five hundred towns had a population of over 5,000; seventeen of these ranged from 5,000–8,000. Albany's population was 12,630, that of New York City 123,706. In 1850[55] New York City had passed the half million mark with a population of 515,547. Brooklyn had 131,357 inhabitants; Albany, 50,763; Buffalo, 42,261; Rochester, the center of the flour trade, 36,403 and Utica, 17,565. The common school system was established before 1820 when New York was the only large city, and special legislation was passed for its benefit. The growth of cities after this date necessitated much special legislation in their behalf.

An analysis of the total white population in 1790, based on the names of the heads of families, shows an overwhelming preponderance of English.[56] It is impossible to find satisfactory evidence as to the source of the increase of population in the following years. The census report of 1865[57] states that with the exception of the returns of immigration made at custom houses we have no official statistics of the sources of our population earlier than those obtained by the state census of 1845 which gives 23.3 per cent as of European birth.

Notwithstanding the rapid growth of cities in the second quarter of the century the population remained throughout the period essentially agricultural. As late as 1840 out of a total population of 2,428,291, of whom 689,302 were engaged in gainful occupations, 455,954 were engaged in agricultural pursuits, 173,193 in manufacture and trade, and 28,468 in commerce.[58] Manufacturing began in a small way before 1800; there were even some small factories but as yet the manufactures were mostly a product of hand work carried on in the home as an adjunct to tilling the soil.[59] Increasing steadily through the early years of the

[54] U. S. Census 1820.

[55] N. Y. Census 1865, pp. vi, xxvi.

[56] A Century of Population Growth, p. 116 The percentages are: English 78.2 per cent; Scotch 3.2 per cent; Irish .8 per cent; Dutch 16.1 per cent; French .8 per cent; German .4 per cent; Hebrew .1 per cent; All other .4 per cent.

[57] State Census 1865, p. lxxi. The results quoted from the census of 1845 were: Born in State of New York (not indicated how many of foreign parentage) 73.73 per cent; Born in New England States 8.78 per cent; Other States and Territories 3.31; Mexico and South America .04; Great Britain and her possessions 10.67; France .41; Germany 1.90; Other European Countries .32; Nativity not reported 1.93.

[58] A Century of Population Growth, p. 57.

[59] Schouler. Hist. of the U. S., Vol. I, p. 239.

century manufacturing made its spectacular advance from 1825–1840[60] when it changed from a domestic to a factory industry and brought with it the social and economic problems attendant on the rise of a factory population.

New York shared the almost hopeless financial confusion in which the country found itself at the close of the war because of the lack of a stable and convertible currency. Gradually hard times were banished. Washington wrote to Jefferson in 1788, "The people are emerging from the gulf of dissipation and debt into which they had precipitated themselves at the close of the war."[61] A time of prosperity followed until after the war of 1812. Then came "a period of anxiety and distress for the artificially stimulated manufacturing industries which the war and the embargo act had fostered."[62] This lasted until 1820 when a season of rapid industrial development set in which was followed, in 1837, by another panic due to the unstable condition of state finances largely brought about by the huge state debt accumulated in the building of canals.[63] The expenditure for education naturally followed somewhat closely the waves of economic prosperity in the state.

Economic and educational development were both intimately associated in New York with the progressive development of facilities for transportation. The policy of building canals with state funds had much to do with the ups and downs of state finances; and the development of transportation united the different parts of the state and made one educational policy possible.

The period from 1820–1850 was characterized by the growth of cities, industrial development and general prosperity. But the rapid growth of an urban population in a country hitherto almost wholly agricultural gave rise to many new social problems, and the industrial development which brought prosperity to the manufacturer developed a factory population neither so well provided for nor so well satisfied with conditions. The children of the lower class were idle and uneducated, or if at work in the factories were still uneducated. The incorporation of the Society for Juvenile Delinquents in 1824[64] is a witness of the unhappy conditions in the city of New York. The humanitarian movement was the outgrowth of the social and economic prob-

[60] Report on Growth of Industries in New York. Dept. of Labor 1902, p. 21.
[61] Quoted in Johnson, Union and Democracy, p. 46.
[62] Carlton, Economic Influence on Educational Progress in U. S., p. 36.
[63] Sowers, *op. cit.*, p. 66.
[64] Laws of N. Y. 1824, Ch. 126.

lems and the unrest of the period.[65] Societies for social amelioration and mutual aid sprang up everywhere; such were the Mechanics' Associations which were organized in the many cities and the societies which established orphan asylums, schools for deaf and the blind and for juvenile delinquents. Nearly all such schools had some provision for more or less formal education. The phraseology employed betrayed a belief that education *per se* was a palliative for almost any evil. The day when all the evils of society are laid to bad physiological conditions, malnutrition, bad teeth, bad eyes, bad housing, had not yet dawned. Another noteworthy influence of the time was the workingmen's party which for some years had a considerable influence in politics. Carlton claims that these two forces united in aiding in the educational advance toward tax-support schools and that "educational progress was marked in the cities where they developed their greatest strength."[66]

The extension of the suffrage also helped the cause of popular education; for it was the laboring class, not the wealthy and aristocratic, who demanded free schools. The constitution of 1821 was amended in 1826 abolishing property qualifications, except for negroes, and all adult male citizens who had resided in the town a year and the county six months were entitled to vote in their town or ward for all officers elected by the people.[67]

The motive which inspired the supporters of popular education was essentially civic. A great deal was said about education for the sake of morality but after all morality was emphasized not as an end in itself but as the basis of civic security. The practical, utilitarian motive also found some place especially in connection with the advocacy of common schools. The religious motive was conspicuously absent as was also the later idea of education for its purely intellectual values.

George Clinton was the first governor of New York. His first official utterance on the subject of education is contained in his message read at a special session of the legislature in 1782. This session was called at the request of a committee of Congress appointed to confer with the various state legislatures "on the necessity of providing competent means for a vigorous prosecution of the war." Notwithstanding the fact that the enemy was still in possession of New York City and that this session was primarily for military purposes, Governor Clinton took occasion to urge the consideration of some plan for the

[65] Carlton *op. cit.*, p. 39.
[66] *Ibid.*, p. 42.
[67] The Constitution of 1821, Art. 2, Sec. 1.

"promotion and encouragement of learning."[68] "Besides the general advantages," he said, "arising to society from liberal science, as restraining the rude passions which lead to vice and disorder, it is the peculiar duty of the government of a free state where the highest employments are open to citizens of every rank to endeavor by the establishment of schools and seminaries to diffuse that degree of literature which is necessary to the due discharge of public trusts." In this message Governor Clinton enunciated the chief articles of faith held by the proponents of popular education in the state, for the next fifty years: namely, a conviction that popular education is necessary for the safety and perpetuation of republican institutions since it is believed to serve the cause both of morality, on which the State must be built, and of intelligence, which is necessary for its maintenance. These principles are reiterated in the messages of many of the governors who followed even down to the close of the period. Since they are political papers we are perhaps not justified in taking everything in the messages of the chief executives as expressions of personal conviction, yet the sentiments uttered must at least have been those supposedly acceptable to a reasonable number of their constituents and for the most part they have the ring of sincerity. Morgan Lewis concluded his first message[69] with these words: "I cannot conclude gentlemen without calling your attention to a subject which my worthy predecessor (George Clinton) had much at heart . . . In a government resting on public opinion and deriving its chief support from the affections of a people religion and morality cannot be too sedulously inculcated. To them science is an handmaid; ignorance the worst of enemies. Literary information should then be placed within the reach of every description of citizens and poverty should not be permitted to obstruct the path to the fane of knowledge. The higher seminaries also should receive every patronage and support within the means of enlightened legislators. Learning would thus flourish and vice be more effectually restrained than by volumes of penal statutes." The report of the commission appointed in 1811 to bring in a bill for the establishment of common schools is in the same vein.[70] Since this bill was not only passed but immediately acted upon and became the foundation of all subsequent legislation for the common schools, the arguments of the commissioners evidently did not fall on unsympathetic

[68] Governor's Message 1782, Jan. 27.

[69] Governor's Message, Nov. 6, 1804.

[70] Ass. Jour. 1812, pp. 102-107. Reprinted in Messages from the Governor's Ed. by C. Z. Lincoln, Vol. II, pp. 717-728.

ears; and it seems not unjustifiable to quote from the report at some length.

"Perhaps there will never be presented to the legislature a subject of more importance than the establishment of common schools. Education as the means of improving the moral and intellectual faculties is, under all circumstances, a subject of the most imposing consideration. . . . It were an easy task for the commissioners to show that in proportion as every country has been enlightened by education, so has been its prosperity. Where the heads and the hearts of men are generally cultivated and improved, virtue and wisdom must reign, and vice and ignorance must cease to prevail. Virtue and wisdom are the parents of private and public felicity; vice and ignorance, of private and public misery.

"If education be the cause of advancement of other nations, it must be apparent to the most superficial observer of our peculiar political constitutions that it is essential, not to our prosperity only, but to the very existence of our government. Whatever may be the effect of education on a despotic, or monarchical government, it is not absolutely indispensable to the existence of either. . . . In a monarchical government the operation of fixed laws is intended to supersede the necessity of intelligence in the people. But in a government like ours where the people is the sovereign power; where the will of the people is the law of the land, which will is openly and directly expressed; and where every act of the government, may justly be called the act of the people, it is absolutely essential that the people be enlightened. They must possess both intelligence and virtue; intelligence to perceive what is right, and virtue to do what is right. Our republic, therefore, may justly be said to be founded on the intelligence and virtue of the people. For this reason it is with much propriety, that the enlightened Montesquieu has said, 'in a republic the whole force of education is required'. . . . The commissioners cannot conclude this report without expressing once more, their deep sense of the momentous subject committed to them. If we regard it as connected with the cause of religion and morality merely, its aspect is awfully solemn. But the other view of it, already alluded to, is sufficient to excite the keenest solicitude in the legislative body. It is a subject, let it be repeated, intimately connected with the permanent prosperity of our political institutions."

Notwithstanding this emphasis on civic ends the utilitarian point of view, as we have said, was not wholly lacking. As early as 1793

the regents in their annual report[71] referred to the necessity for common schools, saying: "On this occasion we cannot help suggesting to the legislature the numerous advantages which we conceive would accrue to the citizens in general from the institution of schools in various parts of the state for the purpose of instructing our children in the lower branches of education such as reading their native language with propriety, and so much writing and arithmetic as to enable them, when they come forward in active life, to transact with accuracy and dispatch the business arising from their daily intercourse with each other." The commissioners of 1811, from whose report quotations are given above, in outlining the course of study for common schools included reading, writing, and arithmetic and the principles of morality, "these branches of education which are indispensably necessary to every person in his intercourse with the world and to the performance of his duty as a useful citizen."

From the foregoing pages it appears that when New York became a state it had no system of schools and was unhampered by any traditional legislative policy relative to education except that of doing nothing. This policy is reflected in the first state constitution. At this time the population was small and scattered and mostly agricultural. In the next seventy-five years the population was rapidly increased by an influx of New Englanders who brought with them well-established ideas of education and by foreign immigrants many of whom, at least, contributed more toward making than toward solving an educational problem. The state developed large industrial as well as agricultural interests and was forced to face some of the problems of a city population. Notwithstanding some periods of financial depression and the increase of the pauper class in the growing cities, it was on the whole a time of great material prosperity and expansion. The primary motive which underlay the educational activity of this period, so far as it found expression, was a belief that education which should make for general intelligence was necessary for the perpetuation of a democracy and the emphasis was on education for the people as a whole rather than education primarily for leadership.

[71] Assembly Journal 1793, p. 211.

CHAPTER II

Origin and Early Development of the Dual System of School Control. 1784–1820

The dual system of school administration is the most characteristic feature of the early educational organization in the state of New York. The University with its governing Board of Regents, which was not a University at all, properly speaking, but rather a State Board of Education, had jurisdiction over colleges and academies and comprised one part of the administrative machinery. The State Superintendent with the lesser officials of the common schools comprised the other. These two parts of the educational system were not contemporaneous in origin. The University was incorporated in 1784, and by the same act King's College was revived under the name of Columbia. A revision of the law in 1787 altered the relation of Columbia to the University as a whole and defined the powers of the regents over the colleges and academies of the state. Early reports of the regents show that they were alive to the need of some sort of organization for promoting common school education. At their suggestion an attempt was made to establish such a system in the years 1795–1800 but the experiment was not successful. In 1812 legislation was effected which established what proved to be a permanent system of common schools under the supervision of a new official to be known as the State Superintendent.

The University and the Regents[1]

The attempt of Gov. George Clinton in 1782 to secure legislation in the interests of education has already been referred to. At the regular session of 1784 he again adverted to the subject urging "the revival and encouragement of seminaries of learning."[2] Committees were

[1] Sidney Sherwood in The University of the State of New York (U. S. Bu. of Ed. Circ. of Information No. 3, 1900) has given a detailed account of the formative influences behind this early legislation, of the conflict between the Columbia College party and the up-state academy party and an evaluation of the comparative influence of Hamilton, L'Hommedieu, and Schuyler in the struggle for the control of the educational machinery in the state. Since this work is easily accessible it seems best to confine the present discussion to the undisputed facts of legislative history.

[2] Governor's Message, Jan. 21, 1784.

appointed to consider this part of the message, and on February 19, 1784, a bill was introduced, "For establishing a university within the state." The friends of King's College saw in this movement for a university an auspicious opportunity not only to revive that college but to give it a commanding position in the state. They presented to the legislature a petition in which they referred to the depletion of the board of governors by death or removal and to the fact that the charter of the college was inconsistent at some points, with civic and religious freedom. They urged that "an alteration of the charter . . . as well as an extension of the privileges so as to render the college the mother of an university . . . would tend to diffuse knowledge and extend literature throughout the state."[3] Their petition was referred by the senate to a committee of the whole for consideration in connection with the aforementioned bill. The result was that the bill was amended and its title changed to "An act for granting certain privileges to the college heretofore called King's and for establishing a university within the state."[4] By this act King's College was revived under the name of Columbia College, and a board of regents was created in which was vested not only full control of this college but also powers of administration and supervision of such other educational institutions as should thereafter become part of the University.

These regents were to comprise at any time the existing governor, lieutenant-governor, president of the senate, speaker of the assembly, mayors of the cities of New York and Albany, the attorney-general, and the secretary of state, together with twenty-four men named in the act, two from each of the twelve existing counties, vacancies in which number were to be filled by the governor acting with the council of appointment.[5] In addition, the clergy of the several religious denominations in the state were permitted to appoint one regent each as their representative[6] and further, all professors, tutors, and fellows of any

[3] Pratt, Annals of Public Education. In "Convocation Proceedings, 1875" p. 199. Sherwood (Univ. of the State of N. Y., p. 220) says: "It is much to be regretted that nothing can be found throwing light on the origin of this idea of a University." Unfortunately the provisions of this original bill are unknown.

[4] Laws of N. Y. 1784, Seventh Session, Ch. 51.

[5] The Council of Appointment consisted of four senators chosen by the Assembly, one from each district (Constit. of 1777, Art. 23). It was abolished in 1821. The regents were appointed by the legislature after 1787.

[6] An ambiguity as to whether each denomination was to have one representative or whether all, collectively, were to have but one was corrected by an amendment of Nov. 26, 1784, (Laws of N. Y., 1784, Ch. 15), which allowed one representative to each sect.

college were made regents ex-officio with power to vote on questions concerning their own colleges, except such cases as concerned themselves. Moreover any college or school which should be admitted to the university was entitled to send one representative who, together with the president, if the said institution were a college, should be a member of the board of regents.

The regents were directed to elect their own officers, chancellor, vice-chancellor, treasurer and secretary; to make ordinances for the government and management of the various colleges which should comprise the university; to appoint or remove professors, tutors, fellows, pupils and servants; to fix the salaries of officers and servants; to manage the estates of the several colleges; to elect a president and professors for the college previously known as King's; to found colleges and schools in any such part of the state as should seem expedient to them "and to endow the same, vesting such colleges . . . with full . . . powers to confer the degree of Bachelor of Arts, . . . reserving to the chancellor and vice-chancellor of the university and a certain number of regents to be appointed by a majority of the said regents, a right to visit and examine into the state of literature of such college and to report to the regents . . . any deficiency in the laws of such college, the college being at all times to be deemed a part of the university and as such subject to the control . . . of the regents." They were also authorized to confer any of the higher degrees conferred by the universities of Europe. In addition to the colleges and schools founded by the regents, they might include in the University, at the request of the founders, colleges and schools privately founded and endowed "with an estate real or personal of the yearly value of 1,000 bushels of wheat." Upon admission to the University such estate was to be vested in the regents and applied according to the original intention of the donor or donors. Nothing in the act was to be construed to prevent the establishment of schools and colleges independent of the University, and over these the regents were to have no control or supervision. Although the regents were given power to found and endow schools and colleges the law made no provision for financial support.

Church domination was guarded against by the proviso that no religious oaths or tests of any kind were to be required from college officials and that no one was to be ineligible to office because of his religious beliefs. Freedom of religious teaching was assured by granting to any religious sect the right to establish and endow a professorship for the teaching of its peculiar tenets.

The act just cited was passed on May 18, 1784. At the next session, on November 26, 1784,[7] an amendment was passed clearing up the ambiguity regarding representatives from religious bodies and largely increasing the number of regents. Dr. Sherwood in his History of Higher Education in New York says, "The amendatory act has its chief significance in the personnel of the new regents appointed by it."[8] He states that the friends of Columbia had engineered the original act with a view to putting Columbia in control of educational matters, but that of the twenty-four original regents only two were men from New York City and County who could be relied on to support the interests of that college. Moreover, a majority was required for a quorum. This meant that the control of Columbia College as well as of other educational interests was in the hands of men outside of the City of New York. Dr. Sherwood points out that of the thirty-three new regents appointed, twenty were from New York City, "all good Columbia men." Thus the control of education in the state was shifted from the "up state" party to the Columbia College faction. The amendment provided that the chancellor, vice chancellor, or senior regent by appointment could call a meeting which must be announced for at least two weeks in a newspaper and that eight members should be authorized to do business. It also provided that the regents meet annually at the same time and place as the legislature, at which meeting the acts and proceedings of the regents should be examined. Apparently a report to the legislature was not required at this time.

For three years the activity of the regents was directed toward putting Columbia College on its feet while the needs of the state at large were neglected. Meanwhile the academy and "up state" party was making itself heard in requests for the incorporation of academies independent of the University. The consciousness of this rising antagonism to the Columbia monopoly seems to have been a factor in the appointment of a committee of the regents,[9] in 1786, "to take into consideration the present state of the University." This committee included such famous names as those of Hamilton, Jay, and Duane, all of whom were Columbia men but were nevertheless willing to put aside personal preferences for the common good. They reported that the original act needed amendment in various particulars the most important of which concerned the number and powers of the regents and the administration

[7] Laws of New York, 1784, (eighth session) Ch. 15.

[8] Sidney Sherwood, Hist. of Higher Education in N. Y. pp. 54–55.

[9] Regents' Minutes in Convocation Proceedings, 1875, p. 253.

of the colleges and schools which should make up the university. The committee pointed out that the board of regents was the only body corporate for literary purposes; that because of their dispersed situation it was impossible for them to bestow proper care on each institution; and that the measure taken to reduce the quorum to a small number for the sake of facilitating such action had by "placing the rights of every college in the hands of a few individuals . . . excited jealousy and dissatisfaction when the interest of literature required that all should be united." They therefore recommended[10] that "each respective college . . . be entrusted to a distinct corporation with competent powers and privileges, under such subordination to the regents as shall be thought wise and salutary." They reported that in their opinion "liberal protection and encouragement ought to be given to academies for the instruction of youth in the languages and useful knowledge" and added "the committee feel themselves bound in faithfulness to add that the erecting of public schools for teaching reading, writing and arithmetic is an object of very great importance which ought not to be left to the discretion of private men but be promoted by public authority. Of so much knowledge no citizen ought to be destitute and yet it is a reflection, as true as it is painful, that but too many of our youth are brought up in utter ignorance. This is a reproach under which we have long labored, unmoved by the example of our neighbors, who, not leaving the education of their children to chance, have widely diffused throughout their state a public provision for such instruction." On April 12, 1787, after several bills had been presented and various amendments made, a new bill was passed[11] repealing that of 1784 and embodying various suggestions of the committee relative to the colleges and academies but ignoring the common schools. Columbia and other colleges to be incorporated were given each a separate board of trustees the regents having only supervisory, not administrative, powers and it was made possible for academies to organize under similar administrative boards subject only to the inspection of the regents. This bill was evidently a compromise measure and according to Dr. Sherwood the work of neither Hamilton nor L'Hommedieu to each of whom it has been attributed. Rather "it was a structure raised by many hands," the outgrowth of much discussion and of the exigencies of the situation.

After declaring a university instituted by the name of "The Regents of the University of the State of New York" it was enacted that the

[10] *Ibid.*, pp. 252–253.

[11] Laws of N. Y., 1787, Ch. 82.

number of regents be reduced to twenty-one, the only members ex-officio being the governor and lieutenant-governor;[12] and that vacancies thereafter be filled by the legislature in the same way in which delegates to Congress were appointed. Their officers were to be as before, chancellor, vice-chancellor, secretary and treasurer. The order of succession of the presiding officer was, chancellor, vice-chancellor, senior regent by appointment. The presiding officer was authorized to call meetings at the request of any three regents, eight of whom constituted a quorum. The duties and rights of the regents were: "To visit and inspect all the colleges, academies and schools which are or may be established in the state, examine into the state and system of education and discipline therein, and make a yearly report thereof to the legislature; . . . to make such by-laws and ordinances . . . as they may judge expedient for the accomplishment of the trust . . . reposed in them;" . . . to fill the office of president of a college or principal of an academy if left vacant by the trustees for more than a year; to confer degrees other than those conferred by the colleges; to use their funds in such manner as they should think "most conducive to the promotion of literature and the advancement of useful knowledge within the state," provided special grants be used only for the purposes specified; to hold an annual meeting on the second Thursday after the meeting of the legislature; to incorporate any college with the same rights and privileges as Columbia College upon proper application of individuals or corporations. In response to the report of the committee urging that something be done for academies the regents were authorized to incorporate academies "for the instruction of youth in the languages and other branches of useful learning" and to record the same in the office of the secretary of the state and to visit such academies as often as they should see proper and to inquire into the state and progress of literature therein; to give to pupils of academies whose system of education had been examined and approved by the regents, the right of entrance in the sophomore, junior or senior classes of Columbia or any other college on due examintion by the president and professors of said college; to change an institution from an academy to a college whenever in their opinion "the state of literature in any academy is so far advanced and the funds thereof

[12] By an act of 1842, April 8, Chap. 142 the Secretary of the State for the time being was made a regent by virtue of his office, making the whole number of regents twenty-two.

will admit," and to permit such institution to elect a president in place of a principal.[13]

It will be observed that by this act the regents were not, as by the previous one, given power to "found and endow schools and colleges" or to control them; but only to incorporate, visit, and inspect colleges and academies otherwise established. No provision was made for the distribution of schools throughout the state, for maintaining any standard of curriculum or instruction, or for ensuring adequate inspection. The organization of the University remained practically unchanged throughout the period under consideration.[14]

It has been shown that by the act of 1784 Columbia College was identified with the University of New York, but that by the act of 1787 the University was made an independent organization and Columbia College a unit by itself, on a par with any other colleges which might be instituted and not superior to them. By this act trustees were appointed for Columbia who should have full control of all affairs pertaining thereto, the regents having henceforth only supervisory powers as over other educational institutions.[15] The bill stated that "the original charter granted King's College hereby is fully and absolutely ratified and confirmed in all respects except that the college hereby established shall be henceforth called Columbia College . . . ; that no persons shall be trustees of the same in virtue of any offices . . . ; excepting also such clauses thereof as required the taking of oaths and subscribing to the declaration therein mentioned; and which render a person ineligible to the office of president . . . on account of his religious tenets and prescribe a form of public prayer . . . ; and excepting also the clause that the by-laws and ordinances . . . should not be repugnant to the laws and statutes of . . . England; except also . . . that . . . where fifteen governors are required to constitute a quorum thirteen trustees shall be sufficient." This charter continued in effect

[13] It was made legal in 1802 for the trustees of any incorporated academy to choose a president, anything in the act relative to the founding of the university to the contrary notwithstanding. Laws of N. Y., 1802, Ch. 30.

[14] In 1815 an act was passed "Relative to the meetings of the regents," and an amendment (1815, Ch. 208) made attendance at least one meeting during the session of the legislature obligatory to continuing in office except for those regents residing in N. Y. City. This exemption was repealed in 1839 (Chap. 226). By the same act regents were given power to require information necessary to the discharge of their duties to be verified by oath.

[15] In 1812, Ch. 6, the provost of the college was made eligible as a trustee. The office of provost was established in 1811 to relieve the president of part of his duties.

until 1810 when a new one was granted to the college on the representation of the trustees that "sundry impediments in their trust and to the interest of literature in the college are found by experience from certain restrictions and defects in their charter" and their belief that it was desirable to have the charter when amended comprised in one act.[16] This act defined in full the rights and privileges of the trustees and repealed those sections of the law of 1787 which referred to Columbia College.

The Common Schools

Although the committee of the regents in 1787 recommended action in the interests of common schools no action was taken until 1795.[17] Previous to that time elementary education was in the hands of private schools or of religious or charitable organizations.[18] In 1784 the incorporation of religious societies with power to build schools and meeting houses was made legal.[19] We know that there were several charity schools in New York City[20] and there may have been similar schools in the larger towns.[21] Winterbotham,[22] in 1795, wrote: "There are eight incorporated academies in different parts of the state but many parts of the country are yet either unfurnished with schools or the schools which they have are kept by low ignorant men which are worse than none." Timothy Dwight[23] in his account of his travels in 1799 says, "We passed also, a few miserable looking school houses; which plainly owed their appearance to the want not of wealth but of sufficient attachment to education. An observing traveller could not fail to conclude that these people must be extensively destitute both of knowledge and morals." The statement made in 1811[24] by the commissioners appointed to report a bill for the establishment of common schools probably represents not unfairly the situation fifteen years earlier: "In populous cities

[16] Laws of N. Y., 1810, Ch. 85.

[17] Laws of New York, 1795, Ch. 75.

[18] The poor funds were appropriated for a town school in Clermont in 1791 Ch. 41, v. Chap. VI, p. 128. This is the earliest record found of a school in New York to which town support was given.

[19] Laws of New York, 1784, Ch. 18.

[20] v. Chap. V, p. 81 and note 1.

[21] A certain David Jones, bequeathed a legacy to the parish of Oyster Bay for a charity school. No claimants appearing the administrators were authorized to put the money into the care of the overseers of the poor. (Laws of N. Y., 1795, Ch. 29).

[22] Winterbotham Hist. of U. S. 1795, Vol. II, p. 341.

[23] Dwight. Travels in N. E. and N. Y. III, p. 173.

[24] v. Chap. I, p. 15, Note 70.

and the parts of the country thickly settled, schools are generally established by individual exertion. In these cases, the means of education are facilitated, as the expenses of schools are divided among a great many. It is in the remote and thinly populated parts of the state, where the inhabitants are scattered over a large extent that education stands greatly in need of encouragement. The people here living far from each other, make it difficult so to establish schools, as to render them convenient or accessible to all. Every family, therefore, must either educate its own children, or the children must forego the advantages of education."

The regents urged the establishment of common schools in their reports of 1793 and 1794[25] but the legislature proved unresponsive. In their annual report of 1795[26] they again broached the matter saying that they had supervision of two colleges and twelve academies and that these "with the establishment of schools for common branches of education, were the legislature pleased to grant it, must soon have the most beneficial effects on the state of society." Governor Clinton in the same year[27] set forth the duty of the legislature in these words: "While it is evident that the general establishment and liberal endowment of academies is highly to be commended and is attended with the most beneficial consequences, yet it cannot be denied that they are principally confined to the children of the opulent, and that a great proportion of the community is excluded from their immediate advantages; the establishment of common schools throughout the state, is happily calculated to remedy this inconvenience and will therefore re-engage your early and decided consideration." A law was forthwith enacted[28] that "out of the annual revenue arising to this State from its stock and other funds, excepting as much thereof as shall be necessary for the support of government, the sum of twenty thousand pounds shall be annually appropriated for the term of five years for the purpose of encouraging and maintaining schools in the several cities and towns of this state, in which the children of the inhabitants residing in this state shall be instructed in the English language or be taught English grammar, arithmetic, mathematics and such other branches of knowledge as are most useful and necessary to complete a good English education."

The administrative offices provided for were the county treasurer, county supervisor, (officers already existing) three to seven town

[25] Assembly Journal 1793, p. 211 and 1794, p. 32. Reports of the Regents.

[26] *Ibid.*, 1795, p. 85.

[27] Governor's Message, Jan. 3, 1795.

[28] Laws of N. Y. 1795, Ch. 75.

commissioners, and two or more trustees for each school. The county treasurer was to receive the money from the state; the supervisors, to appropriate the county's share of money to the various towns; the commissioners, to distribute the money in the town and to act in a general supervisory capacity; the trustees, to hire teachers, secure school buildings, make reports to the commissioners and to consult with them on matters of interest to the schools.

The whole amount appropriated by the state was £20,000. The revenues of the state, which at this time came from various methods of indirect taxation, from the investment of state funds and from the sale of public lands,[29] were unable to meet this appropriation after the first year. Consequently, in 1799[30] a general property tax was levied in order to discharge the sum of $40,000 which had fallen due on March 1798 and had not been paid. This tax was continued for three years until the act which made it necessary expired by self-limitation. The common council of New York City and the supervisors of the several counties were directed to cause to be raised by a tax, levied and raised as other taxes were, the sum equal to one-half the money apportioned to their respective counties. This money was to be added to the amount apportioned and applied in the same manner as the money allowed to the town. There was no penalty for non-compliance and it is evident that the money was not always raised. The money was distributed among the twenty-one existing counties,[31] according to their representation in the legislature, in sums varying from £174 to £2,200. The proviso was made that after the next apportionment of representation to the legislature the payments should be in proportion to the number of electors for members of the assembly in each county. The distribution to the towns was made by the county supervisors "according to the number of taxable inhabitants appearing on the annual tax list." The money was apportioned in the town by the town commissioners on the basis of the total number of days of attendance of pupils over four years of age, except that in New York and Albany the distribution was left

[29] Sowers *op. cit.*, p. 14.

[30] Laws of New York 1799, Ch. 93. A direct tax was resorted to on only one other occasion up to 1850 namely from 1815–1826 when it was necessary to raise money to pay the state debt. Sowers *op. cit.*, p. 115.

[31] The later subdivision of counties made necessary further action relative to the distribution of this appropriation. Accordingly, money originally apportioned to Ulster and Otsego counties was directed to be divided among Ulster, Otsego and Delaware counties (Laws of N. Y., 1798, Ch. 86). Similar action was taken when Rockland county was erected out of Orange (*Ibid.*, 1800, Ch. 63); Essex out of Clinton;

to the discretion of the city officials. It was provided in 1797[32] that no school should receive more than enough to pay the master's salary. This is the only provision relative to the use to which the money should be put.

There were no regulations for inspection or for certification of teachers except that it was provided that "if it shall at any time appear to the said commissioners that the abilities or moral character of the master or masters of any school are not such that they ought to be intrusted with the children or youth or that any of the branches of learning taught in any school are not such as are intended to receive encouragement from the monies appropriated by this act the said commissioners shall notify in writing the said trustees of such school thereof and to the time of such notification and no longer shall any allowance be made to such school unless the same thereafter be conducted to the approbation of the commissioners."

The trustees were required to make annual reports to the commissioners. These reports were to contain the names of teachers, number of days of service, terms on which they were hired, names of scholars, number of days of attendance and length of term. The commissioners were directed to transmit such reports to the county treasurer and the county treasurer to the secretary of state who should lay them before the legislature.

The character of the schools thus established or benefited were those which provided "a good English education." They were thus distinguished from the academies which were supposed, at least, to give instruction in the classics. Colleges and academies were originally debarred from participating in these funds but the next year the law was amended as follows: "The children of the inhabitants of any town where there is an academy incorporated or to be incorporated, who shall be taught in such academy only reading, writing and common arithmetic shall be considered as scholars of common schools are considered by the act entitled 'An act for the encouragement of schools' and shall have the like benefit as other scholars belonging to the common schools in the same towns as to the gratuity of this state and the tax to be

Green out of Albany and Ulster; and Orange out of Ulster (*Ibid.*, 1800, Ch. 67). An act of 1802 (Ch. 65) states that Ontario Co. did not receive its due share in 1796 and that this money, namely $750, which still remained in the treasury should be paid over to county officials for the use of the schools.

[32] Laws of New York, 1797, Ch. 34.

raised in the same town."[33] This casts not a little light on the standards of the academies of this time but there seems to be no record of how many of the academies then existing profited by this provision. The law provided that in New York City the money should be distributed among the charity schools and all other schools giving the required instruction.

This attempt to establish common schools was not a success. The legislative records show only one year's report.[34] In that year seven of the twenty-two counties did not report. There were reports from one hundred and sixteen towns in which the total number of schools was one thousand three hundred and fifty-two the total number of scholars fifty-nine thousand six hundred and sixty. This was about ten per cent of the population.[35] In the paucity of records it is impossible to know just why this attempt did not succeed. When we consider, however, that the attempted plan entailed an unaccustomed tax, that the recent settlers had had scant time to establish themselves in their new homes which were scattered and isolated; that the older communities were by tradition accustomed to schools maintained by their respective churches or by private enterprise, there seems less reason for surprise that it did not meet with enthusiastic support.

In 1800 Governor Jay[36] recommended the subject of common schools to the consideration of the legislature and a resolution passed the assembly that the previous appropriation be continued for five years, but the senate refused to concur.[37] In 1801[38] it was enacted that "No payments shall hereafter be made to any county treasurer under the 'Act for the encouragement of common schools' . . . until legislative provision shall have been made on the subject." In the same year a lottery was instituted to raise $100,000 for common schools and academies.[39] One-half the proceeds realized from this eventually went into the common school fund.

[33] *Ibid.*, 1796, Ch. 49.

[34] Assembly Journal 1798, p. 282.

[35] In 1819 the number of children taught was about 22 per cent, of the population and this was said to be nine tenths of the whole number of children between five and fifteen years of age. (*Governor's Message* 1820).

[36] Governor's Message Jan. 28, 1800.

[37] Randall, Digest of Common School System, p. 10.

[38] Laws of New York, 1801, Ch. 195.

[39] Laws of New York, 1801, Ch. 126. The act specifically states that the money is to be divided equally. Swift, in A History of Common School Funds, says that only one-eighth was apportioned to academies and seven-eighths to the common schools. I find no support for this statement. See Chap. VI, pp. 111 and 112.

For three years George Clinton, who had again been made governor following John Jay, urged upon the legislature the necessity of doing something for common schools, but without success. In his initial message he said, "The system for the encouragement of common schools having been discontinued and the advantages to morals, religion, liberty and good government arising from the general diffusion of knowledge being universally admitted, permit me to recommend this subject to your deliberate attention. The failure of one experiment for the attainment of an important object ought not to discourage other attempts."[40] The following year[41] he returned to the attack saying, "The establishment of common schools has at different times engaged the attention of the legislature but although its importance is generally acknowledged, a diversity of sentiment respecting the best means has hitherto prevented the accomplishment of the object. . . . Permit me to observe, that education by correcting the morals and improving the manners tends to prevent those evils in society which are beyond the sphere of legislation." In 1803 and again 1804, Judge Peck, as chairman of the committee on this portion of the Governor's speech, reported a bill authorizing the several towns to organize schools and to raise money to support them but no action was taken.[42]

Morgan Lewis, for twenty years a trustee of Columbia College, succeeded Governor Clinton. In his first message he said "Common Schools under the guidance of respectable teachers should be established in every village and the indigent be educated at public expense."[43] At the next session of the legislature action was taken to establish a common school fund.[44] The interest on this fund having at length reached the amount of $50,000 required by law before any expenditure should be made, a bill was passed[45] making it lawful for the person ad-

[40] Governor's Message, Jan. 26, 1802.

[41] *Ibid.*, Jan. 25, 1803.

[42] Randall Digest, p. 11.

[43] Governor's Message, Nov. 6, 1804. This seems to be the first official advocacy of free schools for the poor.

[44] Laws of New York, 1805, Ch. 66. v. Chap. VI, pp. 112–117. Judge Peck is credited with having been the chief factor in bringing about this legislation. "He formed the project of establishing a common school fund in pursuance of the example then lately furnished by Connecticut, the state from which he emigrated . . . he never lost sight of it and . . . to his indefatigable and persevering efforts aided by Adam Comstock of Saratoga . . . we were principally indebted for our school fund and common school system." Hammond, Hist. of Political Parties, I, p. 154.

[45] Laws of New York, 1811, Ch. 256.

ministering the government to appoint five commissioners to report, "at the next meeting of the legislature, a system for the organization and establishment of common schools and the distribution of the interest of the school fund among the common schools of this state." The commissioners submitted their report in 1812 accompanied by the draft of a bill. The report[46] set forth at length the arguments for thus supporting common schools, an outline of the proposed plan, a statement of the condition of the common school fund, suggestions on methods of instruction, and remarks on the desirability of competent instructors.

The bill drafted by the commissioners was passed[47] by the legislature and although it proved to be inadequate in detail it comprised the fundamental principles of the school system as it existed until after 1850. To remedy various administrative details it was revised in 1814, amended in 1815, and again revised in 1819. With some amendments the act of 1819 was incorporated in the revised statutes of 1827. The most important amendments after this date were passed between 1840 and 1850 and related to additional town and county supervision, district libraries and the details of district organization. Since the bill contained no provision for New York City a supplementary act was passed in 1813 to meet its peculiar requirements.[48]

An outline of the plan suggested by the commissioners in 1812 is best given in their own words. "The outlines . . . are briefly these: That the several towns in the state be divided into school districts by those commissioners elected by the citizens qualified to vote for town officers; that trustees be elected in each district, to whom shall be confided the care and superintendence of the school to be established therein; that the interest of the school fund be divided among the different counties and towns, according to their respective population, as ascertained by the successive census of the United States; that the proportion received by the respective towns be subdivided among the districts, into which such towns shall be divided, according to the number of children in each, between the ages of five and fifteen years inclusive; that each town raise, by tax, annually as much money as it shall have received from the school fund; that the gross amount of monies received from the state and raised by the towns be appropriated, exclusively, to the payment of the wages of the teachers; that the whole

[46] v. Chap. I, p. 15 and Note 70, for reference.

[47] Laws of New York, 1812, Ch. 242.

[48] *Ibid.*, 1813, Ch. 52. For all legislation relative to New York City, v. Chap. V, "Special legislation for cities."

system be placed under the superintendence of an officer, appointed by the Council of Appointment."

The most important differences between this act and that of 1795 lie in the fact that the money now to be distributed was the income from a permanent fund and not a matter of annual appropriation, that the system was centralized by the appointment of a state superintendent and that the details were more carefully worked out. An examination of the provisions of the bill will show more clearly these details. To the officers of administration previously named were added a state superintendent and town inspectors, officials who might reasonably be expected to add much to the efficiency of the system. The school trustees were now named district trustees and the number set at three for each district. It was the duty of the superintendent to make plans for the management of the school fund and for the better organization of the schools; to receive reports from the counties; to make the distribution of school money in accordance with the data thus secured; and to report annually to the legislature. The duties of the inspectors were to certify teachers and to visit schools reporting to the trustees on the proficiency of the pupils.

The amount of money to be distributed was set at $50,000 subject to increase with the growth of the fund. In the act of 1795 each county was required to raise by taxation an amount equal to its apportionment; by the act of 1812 the levying of such a tax was made optional with each individual town but no town was allowed to receive money unless it raised an amount equal to its share. The inhabitants of the town were authorized to raise as much more money as they deemed proper, not exceeding double the sum of their apportionment. Moreover, the inhabitants of each district were authorized "to designate a site for their school house, and to vote a tax on the resident inhabitants of such district as a majority present shall deem sufficient to purchase a suitable site for their school house, and build, keep in repair, and furnish it with necessary fuel and appendages." Thus it appears that the possible resources for the support of schools were the state apportionment and town tax, both of which were designated to be used for instruction, and the district tax which was to be used for general maintenance. Tuition is not mentioned but it is evident from the report of the commissioners and from the later legislation that the paying of tuition was taken as a matter of course.[49] The report states "It is hardly to be

[49] The word tuition is not used in the laws nor is any provision made for it in the law of 1812. The revised law of 1814 (Ch. 192 Sec. 13) provided that the trustees

imagined that the legislature intended that the state should support the whole expense of so great an establishment. By requiring each district to raise, by tax, a sum sufficient to build and repair a school house, and by allotting the school monies solely to the payment of the teacher's wages, they have in a measure, supplied two of the most important sources of expense." Distribution to counties and towns was to be made on the basis of the number of inhabitants at the last preceding United States census instead of in accordance with the number of taxable inhabitants as before. The distribution to districts was to be made according to the number of children in each district between the ages of five and fifteen inclusive as shown by the report to be made by the district trustees, instead of according to the number of days of attendance. Both of these changes recognized the needs of the population as a whole rather than of the property owning class or of those who were previously disposed to take advantage of educational opportunities.

Formal certification of teachers was provided by the requirement that no teacher should be employed who had not a certificate signed by at least two inspectors stating that he was of good moral character and qualified to teach a common school. The inspectors were also required to visit the schools "quarterly or oftener" and to examine the good order of the school and the proficiency of the scholars.

Nothing is said about curriculum, probably the term "common school" carried its own connotation. The report of the commission states that "in these schools should be taught, at least, those branches of education which are indispensably necessary to every person in his intercourse with the world, and to the performance of his duty as a useful citizen. Reading, writing, arithmetic, and the principles of morality, are essential to every person however humble his situation in life."

The district trustees were required to make a report annually to the town commissioners of the length of time the school had been kept, the number of children taught, the number of children between the ages of five and fifteen residing in the district, the amount of money received from various sources and the manner in which it had been expended. The town commissioners were required to make a summary of these reports citing the whole number of districts in the town as well as those which reported and to send these returns to the county clerk who in turn was required to forward them to the superintendent.

should decide upon and collect the amount due from individuals "for instruction" after the public monies had been spent.

The share of funds which should fall to Albany was assigned "to the trustees of the Lancaster school,[50] in the said city, to be applied to the education of such poor children, belonging to said city, which may be, in the opinion of the said trustees, entitled to gratuitous education; provided, that the said trustees shall receive into said school, all the children of every poor person residing in said city, and in no wise turn away any child that shall be, for that purpose, presented to them, from time to time."

Gideon Hawley was made state superintendent and held the position until 1821. In 1814 he made his first report to the legislature.[51] In this report he stated that many towns had refused or neglected to comply with the provisions of the bill and that towns which did comply with it were embarrassed by difficulties arising from imperfect provisions. He urged that the bill be revised making it obligatory on all towns to comply with the act and on the county supervisors to levy in their respective towns a sum equal to the sum apportioned to it out of the public money. He also raised the question whether the trustees should not be incorporated in order that they might hold the title to the school house and lot and whether the trustees were liable for the salaries of teachers whom they had engaged and, if not, how the money should be collected.

The revised bill of 1814 met these suggestions by making the raising of the town tax obligatory; by making the district trustees a body corporate; and by providing that the district trustees should have power to collect the amount of money necessary for paying the teachers from the persons liable for this money and to exempt from such payment such poor persons as they should think proper. This exoneration of the indigent, which was in accord with Gov. Lewis' suggestion of 1805, was in one sense a step toward free schools, but on the other hand it attached a certain stigma to the idea of free education which rather hindered than helped in such a development. This act was amended in 1815 and incorporated as amended in the school act of 1819, but the fundamental provisions were not essentially altered.[52]

The reports from the superintendent are progressively encouraging both as to the number of schools established, the number of pupils taught and the smoother working of the machinery involved. His

[50] This school was incorporated in 1812. The Lancaster Schools are more fully discussed under Special Legislation for Cities. Chap. V, pp. 99 ff. and Chap. III, p. 51.

[51] Assembly Journal, 1814, p. 77 ff.

[52] The details changed in school organization are given in Chapter IV, Common Schools.

report of 1819[53] shows that returns, more or less deficient to be sure, had been received from 402 towns; that from one hundred and fifty-eight towns no reports had been received. From the reports he estimated[54] that nearly six thousand schools were in existence established under the state law and that about two hundred and fifty thousand children had received instruction during the year. The report includes the following summary. "This great increase and prosperity of common schools is evidently the result of the wise and liberal policy adopted by the legislature for their encouragement and support. On comparing the returns of schools made for different years since their first establishment by law, it appears that they have increased in a much greater ratio than the increase of population, and that their condition, which was before stationary, has, under the salutary operation of the law for their establishment, been rapidly and substantially improved. From the earliest returns made under the act, it appears that the number of children taught was not more than four-fifths of the number between the ages of five and fifteen years. From subsequent returns, it appears that the children taught had increased to five-sixths of that number. But from the last returns it appears that the number of children now taught is equal to seven-eights of the number between the ages of five and fifteen years. From the same comparison it also appears, that the average length of time for which schools have been kept in each year, since their first establishment by law, has increased in about the same ratio as the number of children taught.[55] The same data also afford evidence that common schools have risen in public estimation, and received a degree of care and attention to their concerns, corresponding with their increase and prosperity. If these results were the only evidence of a beneficial operation in the system of common schools provided by law, they would be sufficient to establish the public confidence in the policy of that system, and to secure it a permanent duration. But it is well known, although it does not appear from any data in the returns, that the system has produced other results not less in magnitude or merit. It has secured our schools against the admission of unqualified teachers, by requiring them to submit to examination before a public

[53] Rept. of Supt. in Assembly Journal 1819, p. 434–454. Previous reports are to be found in the Assembly Journal for the respective years.

[54] The actual number of schools in the 402 towns which reported was 4116. Of these schools, only 3844 sent reports. These reports show 210,316 children taught. On these figures the Superintendent based his estimate for the state. v. Chap. VIII, p. 175, Note 3.

[55] I have found no data as to the length of the school year at this time.

board of inspectors, and to obtain from them a certificate of approbation, before they can legally be employed. It has imparted to common schools a new and more respectable character, by making them subject to legal notice, and investing them with powers to regulate their own concerns. It has corrected many evils in the discipline and government of schools, not only by excluding unqualified teachers, but by subjecting the schools and course of studies in them, to the frequent inspection of public officers. It has founded schools in places where, by conflicting interests, or want of concert in the inhabitants none had been before established; and it has, by its pecuniary aid, enabled many indigent children to receive the benefits of education, which would not otherwise have been within their reach."

This report from the Superintendent seems rather more optimistic than the occasion warranted especially in regard to the quality of the teaching force and the inspection of schools. Only the year before the Superintendent suggested that the inspectors should be paid for the sake of ensuring the performance of their duties which were then being neglected.[56] In 1819, the year in which Mr. Hawley reported that the school law "has secured our schools against the admission of unqualified teachers," Gov. Clinton made a caustic comment on the incapacity of the teachers.[57] It is doubtless true that conditions had much improved but equally true, that there was still much to be desired. The most important legislation relative to common schools in the next twenty-five years has in view either the better training of teachers or greater efficiency of inspection. The former led to the establishment of the normal school in 1844; the latter to the experiments with county and town superintendents between 1840 and 1850. The specific provisions of this legislation are considered in a subsequent chapter in connection with a more detailed description of the common school system.

[56] Assembly Journal 1818, p. 476–490, Rept. of Supt.

[57] Governor's Message 1819, v. Chap. VIII, p. 176.

CHAPTER III

Education Under the Regents

The University law of 1787 already referred to, conferred on the regents power to incorporate colleges and academies;[1] to change an institution from an academy to a college at their discretion; to visit and inspect all such institutions; to make such ordinances as they "judged expedient for the accomplishment . . . of the trust . . . reposed in them"; to use their funds[2] for the "promotion of literature and the advancement of useful knowledge."

Colleges and academies were incorporated sometimes by the state legislature, sometimes by the regents, and sometimes by both. There were various factors involved in this variety of procedure. By the power vested in them of making ordinances for the government of schools and colleges, the regents refused to incorporate institutions which could not meet a stated financial requirement. In 1801, having already incorporated seventeen academies, they ruled that, "In the future no academy ought to be incorporated unless it is evident that a proper building has been erected, furnished and paid for; that funds have been obtained and secured producing an annual net income of $100, and further that there be a condition in the charter that the principal shall never be diminished and the income shall be used only for salaries of professors and tutors. The fund must consist of real estate bonds or mortgages and the academy building can form no part of the fund, or the tuition money, of the income."[3] The net income required was increased in 1812 to $250.[4] In 1811 the regents adopted the policy that no college ought to be incorporated until suitable buildings had been built and a fund created of at least $50,000, yielding an annual income of $3500, and that they ought not to be established unless really called for by public expedience.[5] In 1836 they made an ordinance

[1] The term academy is used to cover that large class of institutions which stood between the common school and the college and sometimes partook of the nature of both. They were chartered as "grammar schools," "classical schools," "institutes," and "seminaries" as well "academies."

[2] The use of funds is discussed in Chap. VI.

[3] Ordinance of 1801 in Instructions for the Academies, 1836, p. 30.

[4] Ordinance of 1812, *Ibid.*

[5] Hough, Historical and Statistical Record, p. 93.

requiring $100,000 in funds and $30,000 in buildings as a prerequisite to the incorporation of a new college and demanding real estate, buildings and funds to the amount of $130,000, in the case of changing an academy to a college.[6] Before 1813 occasional grants of money were made by the legislature which were to be distributed at the discretion of the regents. So long as the regents had money to distribute an effort was made to meet their requirements and incorporation by them was sought; but various factors combined to make such incorporation scarcely worth the trouble. When the literature fund[7] was established in 1813 the income was set apart for the use of schools and seminaries exclusive of colleges. Since the regents now had no funds to distribute to colleges, and since the legislature seems to have made no fixed property requirement for incorporation, the college gained nothing by being incorporated by the regents. After 1813 only one college, Geneva, was incorporated by the regents, as against eight by the legislature.

In 1817 the regents made an ordinance that thereafter the money from the literature fund should be distributed among the academies in proportion to those pupils who had received instruction in the classics and the higher branches of learning deemed necessary to prepare for college.[8] It is clear that many academies were little more than elementary schools[9] and there was no reason why a new academy should try to meet this property requirement of the regents until it had an established classical department, especially since it could be incorporated by the legislature for the asking. Whether or not this is the whole reason, it is true that at just this point the incorporations by the regents began to fall off and those by the legislature to increase. In the years from 1820 to 1839 inclusive, 96 academies were incorporated by the state and 14 by the regents.[10] After 1838, when $28,000 from the income of the United States deposit fund[11] was added to the $12,000 annually distributed to academies and no academy was allowed to participate which did not meet the requirements of the regents, incorporation by the regents once more became popular, with the result that fifty-eight of the seventy-

[6] Instructions for Academies, 1836, p. 31.

[7] v. Support of Education, Chap. VI, p. 118.

[8] Hough *op. cit.*, p. 446.

[9] v. post, pp. 45-46.

[10] Only two such schools were incorporated by the legislature before 1819, Clinton Grammar School (1817) and Hartwich Seminary, an academy and theological school (1816); in the year 1819 two were incorporated by the regents and two by the legislature. v. list of academies, Appendix A.

[11] v. Support of Education, Chap. VI, pp. 120 ff.

six academies incorporated in the years from 1839 to 1850 inclusive, were chartered by them. When the sum of $40,000 was being distributed it doubtless seemed worth while to make an effort to secure a share.

In 1825 the question was raised whether the regents had a right to grant acts of incorporation under the new constitution. The passage in the constitution which gave rise to the discussion was this: "The assent of two-thirds of the members elected to each branch of the legislature is required to every bill for creating, altering or renewing any body politic and corporate."[12] The senate requested the regents to submit to that body their list of incorporations since 1821 and their own views as to their authority. The regents replied[13] by quoting from another section of the constitution, which read: "Nothing contained in this constitution shall affect any charters or grants made by the state or by persons acting under its authority."[14] This, they said, made it evident that the above section referred only to the legislature and that the power of the regents conferred in 1787 was confirmed. This report was referred to the Committee on Literature. That Committee reported that in its opinion this power of creating corporations originally granted to the regents had been abrogated by the new constitution and proposed a bill confirming the charters granted by the regents since 1821 and providing that before any petition for the incorporation of an academy or college be presented to the legislature it be submitted to the regents and their opinion obtained.[15] The bill was read twice but was not passed. Thus the matter remained until after the next constitutional revision in 1846. The new constitution dropped the section quoted and provided that "corporations may be formed under general laws but shall not be created by special act except for the municipal purposes."[16] The regents reported on this, that there was evidently a conflict of authority between the legislature and themselves and recommend that a law be passed giving them power to incorporate educational institutions which should meet specified conditions.[17] Such a law was passed in 1853.[18]

[12] Constitution of 1821, Art. 7, Sec. 9.

[13] Rept of Reg. Feb. 17, 1825. Sen. Journ. 1825, pp. 188–189.

[14] Constitution of 1821, Art. 7, Sec. 14.

[15] Senate Journ. 1825, p. 356.

[16] Constitution of 1846, Art. 8, Sec. 1.

[17] Doc of Ass. 1853, Vol. 2, No. 22.

[18] Laws of N. Y., 1853, Ch. 184. The constitutionality of this law was assured by a decision of the Atty. Gen., Lyman Tremane, in 1858. (v. Doc. of Ass. 1858, Vol. 1, No. 41).

Thirteen colleges were incorporated in the state before 1850. Three of them, Union, Hamilton and Geneva Colleges, were first organized as academies, then raised to the rank of college by action of the regents, and afterward chartered by the legislature.[19] A new charter was granted to Columbia College in 1810,[20] thereby repealing those sections of the university act of 1787 which referred to that college. The other colleges incorporated were: the University of the City of New York,[21] The University of Western New York at Buffalo,[22] Richmond College, Staten Island,[23] St. Paul's College, Flushing,[24] Madison University[25], St. John's College, Fordham,[26] The University of Rochester,[27] the University of Buffalo,[28] and Genesee College.[29] The University of Western New York and Richmond College were never organized. All these Colleges were by charter subject to the visitation of the regents.

The regents were authorized in 1791[30] to establish a College of Physicians and Surgeons; but they reported[31] that a complete course of medi-

[19] Union College, formerly Schenectady Acad., incor. 1795 (Ch. 55); Hamilton College, formerly Hamilton-Oneida Academy, Inc. 1812 (Ch. 237); Geneva College formerly Geneva Academy incor. 1825.

Geneva college was changed to Hobart Free College in 1890. By the original charter of Union College the judges of the Supreme Court were trustees ex-officio. When the number of judges was reduced by the constitution of 1821, the governor and lieutenant-governor were made trustees ex-officio, (1823, Ch. 36).

[20] Laws of N. Y., 1810, Ch. 85.

[21] *Ibid.*, 1831, Ch. 176. Now known as N. Y. University, a specifically non-sectarian institution on whose governing board were the Mayor and four councilmen of the city.

[22] *Ibid.*, 1836, Ch. 148.

[23] *Ibid.*, 1838, Ch. 294.

[24] *Ibid.*, 1840, Ch. 250.

[25] *Ibid.*, 1846, Ch. 40. Madison University was an outgrowth of Hamilton Literary and Theological Institute, founded in 1819. By its charter, the Baptist Education Society was authorized to transfer any or all its property to the University, if it so desired. In 1848 (Ch. 165) the trustees were authorized to change its location to Syracuse, Rochester or Utica, unless the inhabitants of Hamilton raised or guaranteed an endowment of $50,000 within one year. The college remained at Hamilton and its name was changed to Colgate University in 1890.

[26] *Ibid.*, 1846, Ch. 61.

[27] *Ibid.*, 1846, Ch. 146. Incorporation to be void unless organized within three years with at least two professors besides president or chancellor.

[28] *Ibid.*, 1846, Ch. 193.

[29] *Ibid.*, 1849, Ch. 52. Genesee College was the successor of Genesee Wesleyan Seminary, a Methodist institution and was incorporated with the stipulation that none of its funds should be used for theological purposes.

[30] *Ibid.*, 1791, Ch. 45.

[31] Assembly Journal 1793, p. 211, Rept. of Regents.

cal instruction was given in Columbia College which made it unnecessary for them to form a similar establishment. They reported in 1808[32] that they had granted a charter to the College of Physicians and Surgeons in New York City on March 12, 1807, that the college had been organized and lecturers appointed. Still another charter must have been issued by the regents, for in 1812 the legislature confirmed[33] the charter granted the College of Physicians and Surgeons by the regents in June 1812, "any other charter of the contrary notwithstanding." In 1814[34] an arrangement was made for this college to unite with the medical department of Columbia, the medical faculty of Columbia being abolished. In 1812[35] the College of Physicians and Surgeons of the Western District at Fairfield, Herkimer county, was incorporated. Medical departments were later added to Geneva College[36] and to the University of the City of New York,[37] and the Albany Medical College was incorporated.[38] The New York Medical College was incorporated in 1850;[39] it was required to admit gratuitously not more than five young men, "in necessitous circumstances," who had distinguished themselves in the free academy of New York City. These Medical Colleges were all subject to the regents and received state aid.

From the statutes of New York and the reports of the regents a reasonably accurate list of the academies incorporated in each year can be compiled.[40] It must be noted, however, that the official lists do not all tally and that an act of incorporation by the legislature did not ensure existence. From 1789 to 1820 forty-six academies were incorporated, six being the maximum number for a single year, namely in 1813 directly after the establishing of the literature fund. From 1820 to 1850 was the great period of academy development. During this time two hundred and thirty-one such schools were incorporated. The number

[32] Ibid. 1808, p. 186.

[33] Laws of N. Y., 1812, Ch. 237.

[34] Assembly Journal 1814, p. 293, Rept. of Regents.

[35] Laws of N. Y., 1812, Ch. 131. It discontinued its courses in 1841 (Rept. of Regents. 1842, p. 5).

[36] *Ibid.*, 1835, Ch. 45.

[37] *Ibid.*, 1837, Ch. 25.

[38] *Ibid.*, 1839, Ch. 26.

[39] *Ibid.*, 1850, Ch. 206.

[40] v. list of academies, Appendix A. The number of academies incorporated does not represent the total number in the state. The U. S. Census for 1850 sets the number of "grammar schools and academies" at 887. Up to that time only 276 had been incorporated.

per year ranged from one to twenty-two and averaged seven a year. There is little information in the statutes or in the reports of the regents to show when schools suspended operations or became defunct. Now and then an act was passed to revive a charter, to issue a new one after a suspension of activities, or to unite one school with another and from time to time some are reported by the regents as no longer in existence. Occasionally the report of the regents contains a remark, apropos of the list of academies not reporting, that some of these have not reported for many years and are probably defunct but that no official notice has been received.

The reports of the regents sometimes show the number of academies reporting; sometimes, the number receiving money and sometimes, in the earlier years, merely remark that the academies are "generally flourishing" or complain of "lack of funds" as the case may be. For practical purposes it may be assumed that the number of those reporting was identical with the number receiving money. On this basis, notwithstanding some fluctuations, there was a fairly steady increase in the number receiving state aid. The reports of the regents show that four reported or received money in 1791, seven in 1803; twenty in 1813; thirty in 1820; sixty-five in 1834; one hundred and nineteen in 1840 and one hundred and sixty-one in 1850. At this time a total of two hundred seventy-six had been incorporated, of which two hundred and nineteen had been incorporated by or made subject to the regents. Of the fifty-eight which had been at some time subject to the regents but which received no money in 1850, some must have been extinct and some must have failed to meet the necessary requirements.

Most of these academies, though by no means public schools, were in some sense community undertakings. A perusal of the charters of those incorporated by the legislature indicates that they were usually founded by a group of benevolently disposed citizens who, by contributing from five to twenty-five dollars each, became members of the corporation and that all funds accumulating were to be devoted to the expenses of the school. The members of the corporation named the first trustees and sometimes filled vacancies, but the trustees were more often self-perpetuating. They were usually required to make a report at an annual meeting of the corporation. A few schools, between the years of 1840 and 1850, are shown by their articles of incorporation to have been founded by the generosity of a single individual, as, for example, the academies of Jonesville, Renssalaer, the Sacred Heart and S. S. Seward.

Colleges and academies incorporated by the regents were thereby subject to their inspection and visitation. Some academy charters granted by the legislature state that the school thus incorporated shall be subject to the regents,others specify that the school shall be eligible for this supervision only when the regents are satisfied that the financial and literary standards set by them[41] have been met. In 1836 the question was raised whether the regents could accept under their visitation academies whose charters did not expressly make such provision.[42] It was decided that they could not. The difficulty was met by an act of 1838[43] which provided that any academy owning a building and apparatus worth $2500 might place itself under the supervision of the regents. In the years 1838, 1839 and 1840 forty-three academies availed themselves of this privilege. In the list of two hundred and seventy-six academies incorporated between 1785 and 1850, only fifty-eight were not subject to the regents at the end of the period. It is difficult to know just how much the inspection by the regents amounted to. Gov. Marcy's suggestion, in his message of 1837, that since the regents were scattered and served without pay the superintendence of academies be given to the superintendent of common schools indicates that at least the existing system was not wholly satisfactory. There is little evidence of personal inspection although such visitation was undoubtedly contemplated since instructions for the committee of regents visiting academies were adopted at a meeting of the regents, January 28, 1794. The instructions were as follows: that the committee should deliver an annual report to the regents; that these reports should show the number of students, branches taught, rates of tuition, number of teachers, salaries, and statement of revenues.[44] The meagre reports of the regents during the next thirty years seem to indicate that these details were not always secured. Certainly little information is embodied in the legislative reports before 1830. A bald statement of the number of schools and pupils and a recommendation for the continued support of the legislature is the usual substance of such reports.

In the year 1829 the regents reported that Hamilton College had only nine students and that they had asked for an explanation, which the college refused to give. The report goes on to state that this is in

[41] v. Support of Education, Chap. VI, p. 140 for requirements.

[42] Hough, *op. cit.*, p. 410.

[43] Laws of 1838, Ch. 237, Sec. 8.

[44] Hough, *op. cit.*, p. 409. Hough cites (p. 420) statistical tables for the years 1804–1807 for data on subjects studied, but gives nothing after 1807.

direct violation of the law since the regents have power to inspect colleges under the law of 1787 and that the fact that this college has received much money from the state is an added reason for its compliance. No further comment on this situtation has been found, but since the colleges did not share in the state funds and could not be made to suffer from a discontinuance of support there seems to have been no means of bringing such a refractory college to terms except the extreme measure of taking away the charter. The case of the academies was quite different. They could secure state support only by complying with the regulations of the regents and therefore had a much more live interest in keeping their approval. The supervision of the regents seems finally to have taken the somewhat passive form of receiving reports from the schools without making any personal investigation. In the case of academies these reports furnished the basis for the distribution of state funds and it is clear that the regulations made by the regents for this distribution did much to raise and standardize the work of the academies and to make clear the distinction between purely elementary subjects and those properly taught by the higher schools.

In 1827[45] when the literature fund was increased the regents were empowered to require annual returns from the academies claiming a share in the distribution of state funds. The reports were to contain "the names and ages of all the pupils instructed in such seminary during the preceding year; the time each pupil was so instructed; a particular statement of the studies pursued by each pupil at the commencement of such instruction, and of the studies subsequently pursued up to the date of such report; the philosophical or chemical apparatus, mathematical or other scientific instruments, and the library belonging to such academy or seminary; the names of the instructors employed, and the compensation paid them respectively; and the funds and income of such academy or seminary, with its debts, incumbrances, and the application of the monies, if any, received during the preceding year from the regents of the university." In a book of instructions issued in 1836 by the regents for the academies under their visitation,[46] the secretary, Mr. Gideon Hawley, states that previous to the directions issued in 1828 the regents had not been able to secure any uniformity in the reports;[47]

[45] Laws of N. Y., 1827, Ch. 228.

[46] Instructions from the regents of the University to the several academies under their visitation. ed. of 1836.

[47] The paucity of detailed information in the reports of the regents until 1830 bears out the intimation here that the reports were unsatisfactory.

that continued inaccuracies and ambiguities had led the regents to issue further directions in 1830 and in 1834 and that the latter edition being exhausted they are compelled to issue a new one. He ventures a hope that the directions are now so explicit and so detailed that future reports will be accurate and adequate, thereby lightening the work of the regents in determining the amount of money due the several schools and benefiting the schools, since it is "the settled practice" of the regents to withhold money from schools sending defective reports. This book of instructions called attention to the mistakes commonly made, such as failure to have the trustees certify the report, failure to give the ages of pupils, failure to give an adequate description of the subjects studied so that it could be certainly known whether the pupils are pursuing classical and higher English branches as prescribed by law, and failure to use the prescribed forms of reports. The following statement from the regents' report of 1836 indicates that the schools were at last giving a satisfactory response: "The regents have the satisfaction to believe that they have finally succeeded in securing from all their academies with only a few exceptions such a compliance with their instructions as will satisfy every reasonable expectation."[48] In the regents' report of 1833,[49] a meagre account is given of all the colleges then established, except Geneva. After 1836 the reports are fairly full generally giving some details of attendance, subjects studied, and the financial standing of the college.

The curriculum of the academy was not prescribed by law in early days except that in the act of 1787 they are spoken of as "schools for the instruction of youth in the languages and other branches of useful knowledge." But the report of the regents in 1798 speaks of reading, writing and arithmetic as the curriculum of several academies.[50] In 1805 the regents reported that reading, writing, grammar, cyphering, mathematics, dead languages, rhetoric, logic, moral philosophy, natural philosophy, and French were taught.[51] Noah Webster, Jr., writing in 1806[52] says, "Several respectable academies are founded wherein are taught the learned languages, geography, grammar, and mathematics." In 1819 the regents reported: "The course of instruction pursued by many of the teachers consisting chiefly of the first rudiments of

[48] Rept. of Reg. 1836, p. 11.

[49] *Ibid.*, 1833, p. 1 and 2 (Senate Doc. No. 70).

[50] Rept. of Regents in Ass. Journ., 1798, p. 220.

[51] *Ibid.*, 1805, p. 304.

[52] Barnard's Journ. vol. 24, p. 161.

English education, gives a character to their institution more consonant to that of a common school than of an academy where more advanced studies should be attended to. . . . With a view to preserving the distinctive character (of the academy) a rule has lately been adopted by the regents for distributing their revenue in proportion to the number of scholars in the several academies who during the preceding year have received a course of classical instruction usually pursued as preparatory to a collegiate course. . . . It appears that the system of instruction is rapidly improving."[53] From this time the phrase "for instruction in literature and the fine arts" appears in many of the charters granted by the legislature and seems to have become a sort of shibboleth with the promotors of education. In the twenties the rising interest in science is reflected in a few schools which avowed a scientific and practical aim. Several manual labor schools were incorporated whose declared purpose was, "the cultivation of all the branches of literary and scientific education . . . and by uniting manual labor with study to promote vigor of bodily constitution, provide facilities whereby young men without pecuniary resources may attain an education and to unite the advantages of a cultivated mind with the feelings and habits of a working population."[54]

An attempt to further the practical application of scientific principles was made by the Renssalaer school[55] "one important object" of which was to qualify teachers for instructing youth in villages and in common school districts belonging to the class of farmers and mechanics by lectures or otherwise, in the application of the most important principles of experimental chemistry, natural philosophy, natural history, practical mathematics to agriculture, domestic economy, and the arts and manufactures. This new interest in science was doubtless one factor in causing the passage of an act of 1827[56] whereby the higher English branches were put on a par with the classics as a means of qualifying a school for state aid.[57]

[53] Rept. of Reg. in Senate Journ. 1819, p. 245. v. Chap. V, pp. 99 and 100 for academies treated as common schools, and Chap. VI, p. 140, for number of academies receiving funds under this rule.

[54] Laws of N. Y., 1832, Ch. 142. Incorporation of the Rochester Institute of Practical Ed. Other such schools were Yates Co. Acad., 1828; Union Literary Soc. 1826; Aurora Man. Labor, 1833; Oneida Inst., 1829. Hough, Hist. Rec. p. 441, says "It may be said of all of them that they were failures."

[55] *Ibid.*, 1826, Ch. 83.

[56] *Ibid.*, 1827, Ch. 228.

[57] v. also Chap. IV, pp. 71–73 for discussion of this act and its bearing on training of teachers, and Chap. VI, p. 140.

By this act the distribution of money to academies was based on the number of pupils who had for four months of the preceding year pursued classical studies or the higher branches of English, or both. The regents found it necessary to define the meaning of the terms used and did so in the following ordinance of 1828:[58]

1. No students, in any such academy, shall be considered classical scholars, within the meaning of this ordinance, until they shall have studied in course, in Latin, as much as is equal to one-half of Corderius, one-half of Historia Sacra, one-third of Viri Romae, and two books of Caesar's Commentaries; and in addition thereto, shall have read the first book of the Aeneid of Virgil.

2. No students, in any such academy, shall be considered scholars in the higher branches of English education, within the meaning of this ordinance, until they shall, on examination duly made, be found to have attained to such proficiency in the arts of reading and writing, and to have acquired such knowledge of the elementary rules or operations of arithmetic commonly called notation, addition, subtraction, multiplication and division, as well in their compound as in their simple forms, and as well in vulgar and decimal fractions as in whole numbers, together with such knowledge of the parts of arithmetic commonly called reduction, practice in the single rule of three direct, and simple interest as is usually acquired in the medium or average grade of common schools in this State; and until they shall also, on such examination, be found to have studied so much of English grammar as to be able to parse correctly any common prose sentence in the English language, and to render into good English the common examples of bad grammar given in Murray's or some other like grammatical exercises; and shall also have studied, in the ordinary way, some book or treatise in geography, equal in extent to the duodecimo edition of Morse's, Cumming's, Woodbridge's or Willett's geography, as now in ordinary use.

3. No such classical students shall entitle the instutution to which they belong to any share of the income of said fund, unless it shall appear from the annual report of such institution, that they have pursued therein, for the space of four months or upwards of the year ending on the date of such report, the studies herein before declared to be preliminary to Virgil, together with the first book of the Aeneid of Virgil, or other studies in the classics (either in Latin or Greek) usually pursued subsequent to the first book of the said Aeneid, or shall, for a part of said period, have so pursued the studies, or some of them, (including

[58] Instructions from the regents for academies, Ed. of 1836, pp. 5 and 6.

the said first book of Aeneid, or some of the said studies subsequent thereto), and for the residue of said period, shall have pursued the higher branches of English education, after they shall have become scholars therein as herein before defined.

4. No such scholars in the higher branches of English education, shall entitle the institution to which they belong to any share of said fund, unless it shall appear from the annual report of said institution, that they, after becoming such scholars, have pursued therein said higher branches of education, or some of them, for the space of four months or upwards of the year ending on the date of such report.

5. All students belonging to any academy, and claimed by it to be classical scholars, or scholars in the higher branches of English education, or both, shall be exercised at convenient and ordinary intervals, in composition and declamation in the English language.

It is to be observed that this ordinance does not debar academies from teaching elementary branches but merely requires that state aid shall be given only in proportion to their pupils who have completed a certain amount of elementary work and who are at the time studying the classics or higher branches of English. The regents' report of 1849[59] shows the whole number of pupils in academies as 27,077 and the number studying the classics and the higher branches of English as 15,043, or fifty-five per cent of the whole number.

As early as 1836 a now familiar plaint was heard from Columbia because of the "increasing preference manifested in our community for those branches of education of which the utility and the practical application are immediate."[60] That the curriculum was indeed expanding may be seen by comparing the meagre lists of subjects already quoted with the lists cited in the regents' reports of 1829 and 1849. In the former year forty-nine academies reported, in the latter one hundred and fifty-six. The following table gives the subjects reported as taught and the number of schools in which each appeared.[61]

ELEMENTARY STUDIES

	1829	1849		1829	1849
	NO. OF SCHOOLS			NO. OF SCHOOLS	
Arithmetic	All	154	Geography	All	145
Bookkeeping	29	130	Orthography	(Not mentioned 1829)	All
Composition and Declamation	37	All	Penmanship	"	All
			Pronunciation	"	All

[59] Rept. of Reg. 1849, p. 91.

[60] Rept. of Reg., 1836, p. 8.

[61] Compiled from the Regents' report of 1829 in Senate Journal Appendix I and Regents' Report of 1849, pp. 131 ff. The classification of subjects is taken from the Regents' Report of 1849.

Composition	3[62]		Reading	"	
English Grammar	All	152			
MATHEMATICS					
Algebra	41	155	Levelling		11
Astronomy	13	135	Logarithms		25
Calculus Integral		7	Magnetism		20
Calculus Differential		4	Mechanics		17
Conic Sections	1	15	Mensuration	6	33
Electricity		21	Natural Philosophy	35	148
Engineering, Civil	1	7	Nautical Astronomy		1
Euclid	1		Navigation		10
Fluxions		1	Optics		19
Geometry, Plane	31	149	Perspective	1	2
Geometry, Analytic	1	13	Surveying	30	105
Geometry, Descriptive	1	3	Technology		9
Hydrostatics		20	Trigonometry	7	66
ANCIENT LANGUAGES					
Greek	All	130	Latin	All	145
Greek Antiquities	1	8	Roman Antiquities	6	14
Hebrew		2	Mythology		4
Jewish Antiquities	1				
MODERN LANGUAGES					
French	20	136	Italian	1	11
German	1	17	Spanish	3	6
NATURAL SCIENCES					
Anatomy		35	Mineralogy	1	14
Botany	4	124	Natural History	2	29
Chemistry	20	151	Physiology		101
Chemistry, Agricultural		6	Physical Geography	1	
Conchology		4	Zoölogy	1	
Geology	1	55			
MORAL, INTELLECTUAL & POLITICAL SCIENCE					
Constitution of U. S.	4		Natural Theology	3	22
Constitution of N. Y.	1		Philosophy	3	
Elements of Criticism	3	32	Intellectual Philosophy	3	98
Evidences of Christianity	1	18	Philosophy of Language	1	
History (Period not specified)	34		Mental Philosophy	1	
General History		126	Moral Philosophy	16	80
Ecclesiastical History		1	Political Economy		15
History of England		11	Psychology		1
History of U. S.	25	89	Rhetoric	33	112
Law and Government		20	Theology		1
Logic	16	39	Watts on the Mind	1	
MISCELLANEOUS					
Belles Lettres	1		Mapping	4	3
Chronology	4		Music	3	11
Calisthenics		5	Music, Vocal		12
Fencing and Military Tactics	1		Music, Instrumental		13
Drawing	7	29	Painting	4	
Embroidery		2	Phonology		2
Needlework	1		Phrenology		2
Ornamental Needlework	2		Principles of Teaching		7
Globes	8				

[62] These were "Female" Academies; "Declamation" was apparently not required of the girls.

The most striking facts brought out by an inspection of these tables are the great increase in the total number of subjects offered, the lack of uniformity among the schools, the increasing emphasis on mathematics and science. There is an apparent decrease in the number of schools teaching Latin and Greek between 1829 and 1849 but as between 1820 and 1850 the reports show that in the former year only 38 per cent of the pupils studied these subjects as against 57 per cent in the latter year.[63]

The academies of this period seem to have been little hampered by any hard and fast line between elementary, secondary and collegiate subjects but taught them all impartially and fulfilled the most advanced requirements of today for flexibility of program and adaptation to local demands. The list of subjects offered in the colleges is strikingly like that of the academies. For example Hamilton College in 1849[64] submitted the following list which does not differ materially from that of other colleges.

Latin	Logic
Greek	Political Economy
Elements of Reading and Oratory	Disputation
Algebra	Intellectual Philosophy
Geometry	Chemistry
Composition and Declamation	Moral Science
Surveying	Constitutional Law
Rhetoric	Astronomy
Trigonometry	Geology
Natural Philosophy	Anatomy and Physiology
German Grammar	Evidences of Christianity
French Grammar	Forensic Disputes

From conditions which still exist we are justified in assuming that there was little articulation between the academies and the colleges except, perhaps, in the classics. The academy served as a college preparatory school, to be sure, but it was even more, as the secondary school still is, an end in itself.

The early academies seem to have been intended almost exclusively for boys although Timothy Dwight wrote of Hamilton Oneida Seminary in 1799:[65] "It contains fifty-two students of both sexes under the care of two instructors. The scheme of education professedly pursued includes the English, Latin and Greek languages and most of the liberal arts and sciences." Gov. DeWitt Clinton in 1819,[66] said, "Beyond initiatory instruction the education of the female sex has been utterly

[63] v. Chap. VIII, p. 175 for figures on which percentages are based.
[64] Rept. of Regents 1849, pp. 25–28.
[65] Dwight, Travels in N. E. & N. Y. III p. 188.
[66] Gov. Mess. 1819.

excluded from the contemplation of your laws"; and referring to Waterford Female Seminary the next year he calls it "the only attempt made in this country to promote the education of the female sex by the patronage of the government."[67] In the next twenty-five years, twenty-five female academies or seminaries were incorporated and in the same period fifty-one were incorporated "for both sexes." Undoubtedly some of them not so designated were also open to girls.

The powers of the regents were extended beyond the academies and colleges in 1821[68] to the incorporation and the supervision of any schools "for the instruction of youth on the system of Lancaster & Bell or any other system of instruction approved by the regents." By the revised statute of 1827[69] these schools were made subject to the control and visitation of the regents and were required to make such reports as they should require. They did not share in the funds dispensed by the regents. Little information is found relative to these schools. Apparently only a few were incorporated[70] and these either disappeared in a short time or were absorbed into the common school system under which heading they are discussed further.

[67] *Ibid.*, 1820.

[68] Laws on N. Y., 1821, Ch. 61.

[69] Revised statutes, Chap. 15, Title I, Art. 5, Sec. 66.

[70] Hough, Hist. Rec., pp. 429–432 gives the following names of such schools incorporated by the regents.

Lancaster School, Henrietta, Monroe Co., 1821
Lewiston High School Academy, 1828
Farmington School Assn., 1834
Fabius Select School, 1841
Hunter Classical School, 1851

For Lancaster Schools which were incorporated by the legislature and not subject to the regents v. Chap. V, p. 99.

CHAPTER IV

The Common School System

An outline of the common school system in its early form has been sketched in a previous chapter.[1] A more extended exposition is necessary in order to make clear the details of organization and the progressive changes which were embodied in subsequent amendments and revisions.

In the organization and administration of the school system the established division of the state into counties and towns was utilized but the unit of administration was a still smaller subdivision namely, the district. The town commissioners were entrusted with the task of arranging and altering districts[2] until they were superseded by the town superintendents in 1843.[3] It was then provided that when a district was to be altered, the town clerk and town supervisor might be associated with the town superintendent at the request of the trustees of the district affected. No exact basis for the subdivision of towns was made by law. The commissioners were merely directed to make a "convenient number of districts." In 1835, Supt. Dix observed:[4] "Almost all the existing evils of the common school system have their origin in the limited means of the school district. The tendency is to subdivision and to a contraction of their territorial boundaries. This consequence must follow in some degree from the increase of population; but the subdivision of school districts tends to advance in a much greater ratio. The average number of children in our school districts is about fifty-five. No school district should number less than forty children between five and sixteen years of age. From the observations he has made, the superintendent deems it due to the common school system that no new district shall be formed with a much smaller number unless peculiar circumstances render it proper to make it an exception to the general rule. In feeble districts cheap instructors, poor and ill furnished schoolhouses, and a general languor of the cause of education are almost certain to be found." In his annual report to the legislature

[1] v. Chap. II, pp. 25–36.

[2] Laws of N. Y., 1812, Ch. 242, Sec. 7.

[3] Laws of N. Y., 1843, Ch. 33, Sec. 2.

[4] Common School Decision No. 220. Randall, Digest, p. 105.

for the year 1843, Superintendent Young said:[5] "One of the most formidable obstacles to the efficiency of our common schools is believed to be unnecessary multiplication and subdivision of districts. . . . In those portions of the state where the population is scattered over a large extent of territory, the convenience and accomodation of the inhabitants require the formation of districts comprising a small amount of taxable property, applicable to the support of schools and a limited number of children. But where an opposite state of things exists, the interests of education will be most effectually promoted by assigning to each district the greatest extent of territory compatible with securing to the children the requisite facilities for their regular attendance at the schools." It is evident that the characteristic evils of the district system, small schools and limited funds, were present in New York as elsewhere where the system obtained. Besides the regularly constituted districts there were "neighborhoods" and "joint districts." The former were sections of towns where there were not enough families to support a school and the children attended school in an adjoining state; the latter were districts made up from parts of two towns.[6] Both were regulated and arranged as districts except that the neighborhoods had only one trustee instead of three and, of course, had no school building; and that for the alteration of joint districts the consent of the commissioners of both towns was necessary.

The first meeting of a district was called by the commissioners when the district was formed, thereafter the time and place of the annual meeting was fixed by the district.[7] If the first call for a meeting was not heeded, or if the meeting dissolved by adjournment without day, the commissioners might renew the call whenever they saw fit.[8] Special meetings were called at the discretion of the trustees.[9] If the time of the annual meeting passed and a special meeting was not called by the trustees within twenty days, any inhabitant might call such a meeting.[10]

Those qualified to vote at the district meetings were at first defined merely as the "freeholders and inhabitants residing in this district."[11] In 1814 they were limited to "freeholders and inhabitants liable to pay

[5] Report. of Supt. 1843, in Ass. Doc. 1843, No. 14, pp. 4 and 5.

[6] Laws of N. Y., 1812, Ch. 242, Sec. 7.

[7] *Ibid.*, Sec. 8.

[8] *Ibid.*, 1814, Ch. 192, Sec. 13.

[9] *Ibid.*, 1812, Ch. 242, Sec. 9.

[10] *Ibid.*, 1841, Ch. 260, Sec. 17.

[11] *Ibid.*, 1812, Ch. 242, Sec. 8.

taxes."[12] This was modified in 1822[13] to include only "freeholders, or those assessed to pay taxes in the same or the preceding year, or possessing personal property, above such as was exempt by law from execution, to the amount of $50, liable to taxation in the district." For illegal voting a fine of from five to ten dollars was set in 1814.[14] This was definitely placed at $10 in 1819.[15] The qualifications of voters, which seem to have been the occasion of some controversy, were more explicitly stated by the law of 1841[16] as follows: The voter must be a male, of legal age, and actual resident of the district. In addition he must either be (1) entitled to hold land in the state, that is either a citizen or an alien who had filed his intention of becoming a citizen, and must own or hire real property subject to taxation for school purposes, or (2) he must be entitled to vote at town meeting, that is he must have been a resident of the state for one year, of the county for six months, and must be an actual resident of the town, and must have paid rate bill for teachers in the district within one year preceding, or have paid district tax within two years preceding, or own personal property liable to be taxed for school purposes in such district, exceeding $50 in value exclusive of such as was exempt from execution. Any voter could be challenged and if guilty of making a false declaration was subject to imprisonment for a period of from six months to one year.

The powers of the district meeting were[17] to fix the time of district meeting and to adjourn; to choose a moderator and to elect district officers, namely, a district clerk, three trustees and a collector; to designate a site for the district school house; and to levy a tax sufficient to lease or purchase a site and building and to keep the same in repair and furnish it with "fuel and appendages."[18] In 1841[19] the districts were authorized to designate sites for two or more school houses and to levy the necessary taxes for the same provided the consent of the town superintendent was first secured. Mr. Randall[20] explains that "this provision authorizing more than one site and school house, is intended for the accomodation of those districts that may be so peculiarly situated

[12] *Ibid.*, 1814, Ch. 192, Sec. 13.
[13] *Ibid.*, 1822, Ch. 256, Sec. 2.
[14] *Ibid.*, 1814, Ch. 192, Sec. 14.
[15] *Ibid.*, 1819, Ch. 161, Sec. 21.
[16] *Ibid.*, 1841, Ch. 261, Sec. 7 and 8.
[17] *Ibid.*, 1812, Ch. 242, Sec. 8.
[18] For amount of tax see Support of Schools, Chap. VI, p. 133.
[19] Laws of N. Y., 1841, Ch. 260, Sec 10.
[20] Randall, Digest, pp. 138, 139.

as to render a division inconvenient or not desirable. A banking or other corporation, or some manufacturing establishment liable to taxation, may thus be rendered beneficial to a large territory and a greater number of inhabitants, instead of having its contributions applied for the benefit of a few. And in populous places, it may often be convenient to have a school for very young children distant from that attended by those more advanced. In these and other cases, the districts should not hesitate to exercise the power given by this section. But they should in all cases obtain the previous assent of the town superintendent."

When the site of a schoolhouse was once decided upon it could not be changed except by the consent of the town superintendent and by a two-thirds vote of those present at a special meeting called for this purpose, except when the district was territorially altered, under which circumstances a site could be voted as if it were a new district.[21] Mr. Randall says, "By far the most fertile sources of contention and difficulty in various school districts originate from the proceedings of the inhabitants connected with the change of the site of their schoolhouse."[22] He urged that changes be made only when absolutely necessary. The use of the schoolhouse was not limited to school purposes. It was allowable for a schoolhouse, out of school hours, to be used for any district purpose such as religious meetings, debating clubs, and lectures, with the approbation of the district and the consent of two trustees.[23]

Three district trustees were at first elected annually. Their duties were: 1. The calling of annual and special district meetings; 2. The receipt and application of public money; 3. The assessment and collection of district taxes; 4. The purchase or lease of sites; the building, hiring, or purchasing of schoolhouses; the repairing and furnishing such houses with necessary fuel and appendages, and their custody and safe keeping; and the sale of such sites and houses when no longer required for district purposes; 5. The employment of teachers, and their payment; and the making out and collection of rate-bills both for the money voted by the district and for that required to be raised from individuals "for instruction."[24] They also had power to excuse the indigent from paying the latter.[25] In 1843[26] it was provided that at the next school election the trustees be divided into three classes to serve one, two and

[21] Laws of N. Y., 1831, Ch. 44, Sec. 1.
[22] Randall Digest, p. 149.
[23] Randall Digest, Com., Sch. Decisions, No. 51.
[24] Laws of N. Y., 1812, Ch. 242, Sec. 8.
[25] *Ibid.*, 1814, Ch. 192, Sec. 13.
[26] *Ibid.*, 1843, Ch. 133, Sec. 12.

three years respectively, and that thereafter only one be elected annually, the term of service to be three years.

While the district trustees were thus responsible for the business administration of the district including the hiring of teachers, the supervision of education was in the hands of town officials. The town was required to elect three commissioners who with certain other citizens similarly elected were designated inspectors of schools.[27] The commissioners arranged and altered districts, divided the school money among the districts, and made reports to the county clerk.[28] It was the duty of the inspectors to inspect schools and to certify teachers. The commissioners and inspectors were replaced in 1843, by a town superintendent who performed all the duties of these officers.[29] The duty of making reports seems to have been fairly well attended to.[30] The failure to secure proper inspection led eventually to displacing the several inspectors by a single town superintendent, and to the creation of the new office of county superintendent.[31] The commissioners at first were allowed for their services "as much as the inhabitants shall direct,"[32] and later "as much as is allowed the commissioners of highways"[33] for the time actually spent in regulating and altering districts. By an act of 1823[34] the commissioners and inspectors were allowed not more than $.75 a day provided it was voted at a legal town meeting. The wages of the commissioners were raised to $1.00 a day in 1837.[35] The town superintendents were allowed $1.25 a day for every day actually devoted to official duties.[36]

[27] By the laws of 1812 and 1814 there were to be not more than six members elected to act with the commissioners as inspectors. In 1819 (Ch. 161, Sec. 9) the number was set at three and changed to two in 1841 (Ch. 260, Sec. 6).

[28] Laws of N. Y., 1812, Ch. 242, Sec. 15.

[29] Laws of N. Y., 1843, Ch. 133 and amendatory act of 1847, Ch. 480. The office of town supt. was abolished in 1856 (Ch. 179). The county supervisors were directed to form districts conforming as nearly as possible to the assembly districts. A commissioner was elected in each district (two in large districts) for a term of three years. These districts did not include towns for which special provision was made.

[30] Ass. Doc. 1847, No. 3, p. 9, gives statistics for total number of districts and the number which reported yearly from 1815 to 1848. In 1815 there were 2,755 districts of which 2,631 reported; in 1847 there were 11,052 districts of which 10,859 reported.

[31] v. pp. 57 and 63-66.

[32] Laws of N. Y., 1812, Ch. 242, Sec. 6.

[33] *Ibid.*, 1814, Ch. 192, Sec. 12.

[34] *Ibid.*, 1823, Ch. 193, Sec. 3.

[35] *Ibid.*, 1837, Ch. 241, Sec. 5.

[36] *Ibid.*, 1847, Ch. 480.

Until the office of deputy superintendent was created, in 1841,[37] the only county officials involved in the management of school affairs were the county clerk and county treasurer, who merely acted as intermediaries between state and town officers for the handling of money and the forwarding of reports. The act of 1841 provided that deputy superintendents were to be appointed by the county supervisors, one in each county, or two if there were more than two hundred school districts. The term of office was two years, the incumbent being subject to removal by the county supervisors. The powers and duties of the county superintendent were: (1) to visit all the schools in the county "as often in the year as may be practicable," to notify the town inspectors of his visits and either with or without them to examine all the schools in the county, "to inquire into all matters relating to the government, course of instruction, books, studies, discipline and conduct of such schools, and the condition of the school houses, and of the districts generally, and to advise and counsel with the trustees and other officers of school districts in relation to the studies, particularly in relation to the erection of school houses, and to recommend to such trustees, and the teachers employed by them, the proper studies, discipline and conduct of the schools, the course of instruction to be pursued and the books of elementary instruction to be used therein;" (2) to examine candidates and issue certificates good in every district and town of the county; (3) with the consent of any two inspectors of any town to annul any certificate granted in a town; (4) and generally to promote the interests of education. The trustees of each district were required to report annually to the supervisors the number of times their school had been visited by the deputy superintendent and by the inspectors.[38] Slight modifications were made in this law in 1843[39] by which act it was provided that the name county superintendent should be used instead of deputy superintendent; that two such superintendents might be appointed at the discretion of the supervisors if there were one hundred and fifty or more school districts, in which case the county was directed to be divided into two districts, one of which should be assigned to each superintendent; that no county not having appointed a county superintendent should be allowed to receive funds from the state except by order of the state superintendent; that such superintendent should be removable by the state superintendent; and that the county super-

[37] *Ibid.*, 1841, Ch. 260, Sec. 36.

[38] *Ibid.*, 1841, Ch. 260, Sec. 12 (Repealed 1843, Ch. 133, Sec. 19).

[39] *Ibid.*, 1843, Ch. 133, Sec. 4 to 9 and 20.

intendent might issue county certificates good until annulled, or town certificates good for one year only and in a specified town. The county superintendent was allowed as compensation $2.00 for every day actually spent in service, the total not to exceed $500 per year, one-half of which was to be a charge upon the county, the other half, on the surplus of the United States deposit fund.[40] The latter was not to be paid unless the superintendent had performed his duties and made the report required by law.[41] The county superintendents, if we may judge from contemporary accounts, were efficient and valuable but their importance seems not to have been recognized by the people at large and the office was discontinued.[42]

The office of State Superintendent of Common Schools was created by the school act of 1812. In 1821 it was abolished as a separate office, for political reasons, and the secretary of state by virtue of his office, became state superintendent of schools.[43] The salary of the superintendent was originally set at $300; it was raised to $400 in 1814 and to $700 in 1819. In 1837[44] the secretary of state was allowed $750 per annum in his capacity as superintendent of schools. The duties of the superintendent[45] were to make plans for the better organization of the schools and for the management of the school fund; to distribute the state money to counties and towns; to apportion the state money; to receive county reports, and from them to make an annual report to the legislature. He had no authority for direct supervision or inspection until the office was made that of State Superintendent of Public Instruction in 1854.

All appeals relative to school matters, during most of this period were carried to the state superintendent.[46] The revised statutes of 1827[47] provided for an appeal to the town commissioners, against the action of district trustees; and to the superintendent against the action

[40] *Ibid.*, 1841, Ch. 260, Sec. 39.

[41] *Ibid.*, 1843, Ch. 133, Sec. 6.

[42] *Ibid.*, 1847, Ch. 358, Sec. 1.

[43] *Ibid.*, 1821, Ch. 250, Sec. 2. In 1854 (Ch. 97) the office of State Superintendent of Public Instruction was created and the Secretary of State no longer performed this duty. The State Superintendent was elected jointly by the senate and assembly. He was to be ex-officio a member of the Regents and Chairman of the Executive Committee of the Regents on the Normal School. v. p. 75.

[44] *Ibid.*, 1837, Ch. 200.

[45] *Ibid.*, 1812, Ch. 242, Sec. 2.

[46] *Ibid.*, 1822, Ch. 256, Sec. 7.

[47] Rev. Statutes 1827, Part I, Chap. 15, Title 2, Art. 5, Sec. 110 and 111.

of commissioners. But in 1830[48] it was provided that "any person conceiving himself aggrieved in consequence of any decision made; 1. By any school district meeting; 2. By the (town) commissioners of common schools, in the forming or altering, or in refusing to form or alter any school district, or in refusing to pay any school monies to any such district; 3. By the trustees of any district, in paying any teacher, or refusing to pay him, or in refusing to admit any scholar gratuitously into any school; 4. Or concerning any other matter relating to schools; May appeal to the superintendent of common schools, whose decision thereon shall be final." The general school act of 1841[49] provided that "All proceedings under any authority conferred by that act upon school districts, trustees, commissioners of common schools or other officers, and all omissions and refusals to perform the duty enjoined by this act, shall be subject to appeal to the superintendent, in the same manner and with the like effect, as in cases arising under the Second Title of the Fifteenth Chapter and First Part of the Revised Statutes." By the law of 1843 all appeals were to be first made to the county superintendent and might then, within fifteen days, be carried to the state superintendent.[50] When the office of county superintendent was abolished, appeals were once more carried direct to the state superintendent.[51] This power of rendering decisions on the interpretation of laws gave rise to a body of school decisions which were first collected by Mr. Dix in 1837[52] under the authority of the legislature in a volume which included his own decisions and those of his predecessor, Mr. Flagg. No record of decisions before that time has been preserved.

Annual reports were required through the following agencies: district trustees, town commissioners, county clerks or county superintendendents (during the period when the latter office existed), and state superintendent. Certain items of information were specified but the state superintendent had authority to ask for any other details which he desired. The reports of the trustees, the date for which was finally set between the first and the fifteenth of January,[53] were required

[48] Laws of N. Y., 1830, Ch. 320, Sec. 7.

[49] *Ibid.*, 1841, Ch. 260, Sec. 40.

[50] *Ibid.*, 1843, Ch. 133, Sec. 7.

[51] *Ibid.*, 1847, Ch. 358, Sec. 2.

[52] Dix, School Acts and School Decisions, Albany 1837. Many of these decisions are incorporated in Randall's Digest, 1844.

[53] Laws of N. Y., 1843, Ch. 133, Sec. 14. They were originally required to be in on May 1. (Laws of 1812, Ch. 242, Sec. 17).

to include the following items:[54] "1. The whole time any school has been kept in their district during the year ending on the day previous to the date of such report, and distinguishing what portion of the time such school has been kept by qualified teachers. 2. The amount of moneys received from the town superintendent of common schools during such year, and the manner in which such moneys have been expended. 3. The number of children taught in the district during such year. 4. The number of children residing in the district, on the last day of December previous to the making of such report, over the age of five years and under sixteen years of age (except Indian children, otherwise provided for by law),[55] and the names of the parents or other persons with whom such children shall respectively reside, and the number of children residing with each. 5. The amount of money paid for teachers' wages, in addition to the public money paid therefor, and such other information in relation to the schools and the districts as the superintendent of common schools may from time to time require." By virtue of the authority, thus conferred on the superintendent, trustees were also required[56] to state in their annual reports, "(1) The number of books belonging to their district library on the last day of December in each year. (2) The number of times the school in their district has been inspected and visited by the county and town superintendents, respectively, during the year reported. (3) The names of the several school books in use in the school in their district, during such year. (4) The number of pupils who have attended the school in said district during the said year for a term less than two, four, six, eight, ten and twelve months. (5) The number of select and private schools in their district, other than incorporated seminaries, and the average number of pupils attending them during the preceding year. (6) The number of colored children between the ages of five and sixteen years, attending any school for such children established in the district, and instructed therein at least four months by a teacher duly licensed, specifying the number attending from different districts, designating such districts, and the number from each, the amount of money received from the town superintendent for such schools, during the year ending with the date

[54] The first three items and part of the fourth were required by the law of 1812 (Ch. 242, Sec. 17). The last part of the fourth from "names of parents" etc. was added in 1823 (Ch. 193, Sec. 2). The fifth was added in 1837 (Ch. 241, Sec. 6.)

[55] Children supported at a county poor house were not to be enumerated. Laws of N. Y., 1831, Ch. 277, Sec. 6.

[56] Randall, Digest, p. 222.

of their report, and the amount paid for the compensation of such teacher, over and above the public money so received."

The commissioners or town superintendents were required to report to the county clerk: 1. The whole number of districts and neighborhoods. 2. The number which had reported. 3. The length of time during which each school had been kept, specifying during what portion of the time the school had been kept by qualified teachers. 4. The amount of money received in each district or neighborhood. 5. The number of children taught in each district and the number of children between the ages of 5 and 15 residing in each. 6. The whole amount of money received by the commissioners or superintendent during the year just ended . . . . 7. The manner in which the money paid for teachers' wages was raised, in addition to the public money, and the amount of taxes levied in each district; and any other information desired by the superintendent.[57]

County reports were required to be made by the county clerks except when there were deputy or county superintendents.[58] These reports were to include the information given in the town reports,[59] and in addition a statement of the whole number of towns and cities in the county, distinguishing those which had reported.[60] When the county superintendents were making the reports they were also required by the superintendent to report the number of schools visited by them and the frequency of these visits, and the conditions of the schools. They were expected to cover the following points in their reports: 1. Teachers: number, sex, compensation, length of service. 2. Course and extent of study, number of pupils in school, number studying various subjects, e.g., arithmetic, grammar, etc. 3. General observations on efficiency of schools. 4. Condition of school houses. 5. Condition of the district. 6. State of district libraries. 7. Number of teachers certified during the year and summary of their ages. The superintendent was required to embody the information received by him in an annual report to the legislature, and to include in this report information relative to the school fund and suggestions for the better management of funds or schools.[61] Until 1819 no penalties

[57] Laws of New York, 1819, Ch. 161, Sec. 16, and 1847, Ch. 480, Sec. 19. By the School acts of 1812 and 1814, the commissioners were directed to make a report "embracing the same matters as shall be contained in the report of the trustees."

[58] Between the years of 1841 and 1847. Laws of 1841, Ch. 260, Sec. 38.

[59] Laws of N. Y., 1812, Ch. 242, Sec. 17.

[60] *Ibid.*, 1819, Ch. 161, Sec. 34.

[61] *Ibid.*, 1812, Ch. 242, Sec. 17.

were imposed in case of failure to make reports. In that year it was enacted[62] that if any trustee should make a false report for the sake of obtaining money fraudulently every trustee who signed such report should be fined $25 and costs, the money to be applied to the schools; and that if the commissioners should fail to make a report they were to be fined $10 each. In 1827 the commissioners were made personally liable for money forfeited by a town through the failure of the commissioners to make the required report.[63] A penalty of $100, the money to become a part of the school fund, was established in 1822 for county clerks who failed in their duty in making reports.[64]

Inspection of schools and direct supervision, from 1812 until 1841, was entirely in the hands of town inspectors. Neither the state superintendent nor the district trustees had authority to inspect the schools. The school law of 1795 provided that the town commissioners should have superintendence of the schools in their respective towns, that they should withhold the state apportionment if the masters or the subjects studied did not meet with their approval, and that the district trustees should confer with them on all matters relating to the welfare of the schools. Succeeding laws gave more specific directions for inspection and supervision. In 1812[65] it was made the duty of the inspectors to "visit the several schools within their respective towns, quarterly or oftener if they deem it necessary; . . . . to examine into the state of the schools in their respective towns both as regards the proficiency of the scholars and the good order and regularity of the schools; and from time to time to give their advice and direction to the trustees, as to the government of the same." A clause was added in the act of 1814,[66] which stated that the inspectors were "to give advice . . . as to . . . the course of studies to be pursued." The law of 1819[67] reduced the number of visits of inspectors to "once a year and oftener if they shall deem it necessary."

The matter of adequate inspection and supervision was perhaps the weakest point in the school system. Governor Clinton[68] in 1826 remarked upon the necessity for some sort of visitorial supervision beyond that already provided for. In the same year Mr. Spencer, of the

[62] *Ibid.*, 1819, Ch. 161, Sec. 28 and 16.
[63] Revised Statutes 1827, Part I, Ch. 15, Title 2, Art. 3, Sec. 31.
[64] Laws of N. Y., 1822, Ch. 256, Sec. 9.
[65] *Ibid.*, 1812, Ch. 242, Sec. 6.
[66] *Ibid.*, 1814, Ch. 192, Sec. 24.
[67] *Ibid.*, 1819, Ch. 161, Sec. 19.
[68] Gov. Message, 1826.

literature committee of the senate, suggested that the county would be a convenient unit for a local board of supervision.[69] Supt. Flagg embodied the same idea in his report the next year,[70] when he said: "It is essential that the schools should be visited and inspected more frequently than is required by the present law, . . . the system of inspection might be improved by the appointment of competent persons to visit the schools of a county or larger district; to investigate the mode of instruction, the qualifications of teachers, the application of the public money, and to inquire into all the operations of the school system. Such inspectors would aid the schools by their advice, and add to the stock of intelligence on the subject of education by collecting information in relation to the condition of the schools and the manner in which they are conducted; and these inspections would be the means of more effectually ascertaining what the common schools now effect, and what they may be made to accomplish."

In 1839 Mr. Spencer was elected Secretary of State and Superintendent of Schools. Through his efforts a law was passed[71] authorizing the superintendent to "appoint such and so many persons as he shall from time to time deem necessary, to visit and examine into the condition of the common schools in the county where such persons may reside and report to the superintendent on all such matters relating to the condition of such schools, and the means of improving them, as he shall prescribe; but no allowance or compensation shall be made to the said visitors for such services." Mr. Randall says: [72] "These visitors were selected from among the most intelligent citizens of the several counties, without distinction of party; and under specific instructions from the department, most of the common schools of the state were visited by them, and a mass of valuable information respecting their condition and prospects, accompanied by suggestions for their improvement, obtained and communicated to the legislature." After the first returns from these visitors the superintendent reported:[73] "It has already been shown to the legislature, from the official returns, that at least one-half of all the schools in the state are not visited at all by the inspectors. The reports of the visitors show that the examinations of the inspectors are slight and superficial, and that no

[69] Senate Journal, 1826, p. 157.

[70] An. Rept. of Supt., 1827, Ass. Jour. 1827, Appen. A. p. 4.

[71] Laws of N. Y., 1839, Ch. 330, Sec. 8.

[72] Randall, Digest, p. 66.

[73] Rept. of Supt. 1840 Ass. Doc. 1840, No. 307, pp. 5 and 10.

benefit is derived from them. Many of the boards unhesitatingly recommend the abolition of the office. . . . The superintendent is constrained to express his concurrence in the opinion expressed by several of the boards of visitors, that the office of town inspector of schools is unnecessary, and rather an incumbrance on the administration of the system . . . the official reports show to what extent even the duty of simple visitation has been neglected. And when the nature of these visitations is considered, it will be obvious that if they were as frequent as might be desired, they could not accomplish the great purpose in view. To be of any avail, the inspection of schools must be conducted by those who are competent to judge of the qualifications of the teacher, and of the progress of the pupils, by examinations in the different studies pursued, and to suggest such improvements and modifications as will enable the student to derive the greatest amount of benefit from the schools. And time must be devoted not only to the schools and their masters, but to the trustees and inhabitants." The superintendent therefore recommended the appointment of deputy superintendents in each county and in 1841 the office of deputy superintendent was created.[74]

Superintendent Young, in his report of 1843,[75] acknowledges a predisposition on his accession to office to use his influence to abolish the office of deputy or county superintendent, but after a thorough investigation he states his conclusion that properly qualified deputy superintendents can do more to elevate the schools than all other school officials and can more efficiently perform "that supervision which has heretofore been so deplorably neglected or badly executed." In this same report the Superintendent made a caustic criticism on the condition of education in the state, charging the people at large with neglect of the welfare of their children, the inspectors with incompetency and indifference, the teachers with ignorance and vice, and the legislators with having beeen "mercenary demagogues." He said that the schools were in "a lingering and almost hopeless state of degradation." "Each of the 11,000 school districts," he continues, "is a separate principality, isolated . . . ignorant of its own deficiencies, unenlightened by the advancing knowledge of the age, and wholly unable to avail itself of the improved systems of instruction which are yearly developed. . . . The county visitors state that from one-third to one-half of the children are daily absent, that a large number of school houses are . . . wholly

[74] v. above, p. 57.

[75] Rept. of Supt., 1843. In Ass. Doc., No. 14, pp. 20–40.

unfit places for education. In some cases certificates are given to teachers who cannot do a simple sum in addition, . . . teachers notoriously intemperate are employed." Following this report some slight changes were made in the regulations relative to the county superintendents.[76] By the same act the town commissioners and inspectors were replaced by a town superintendent who assumed all their powers, including that of visiting the schools yearly or oftener. It was hoped that the concentration of responsibility upon a single individual would prove more efficacious than the division of responsibility among several inspectors. The state superintendent in 1844[77] stated that the reports of the several county superintendents "exhibit unequivocal evidence of efficient exertions on their part, in the performance of the responsible duties assigned them by law and by the instructions of this department. To their efforts is to be attributed, to a very great extent the revolution in public sentiment, by which the district school from being the object of general aversion and reproach, begins to attract the attention and regard of all. To their enlightened labors for the elevation and advancement of these elementary institutions, we owe it in a great measure, that new and improved modes of teaching, of government and of discipline, have succeeded in a very large proportion of the districts, to those which have thitherto prevailed; that a higher grade of qualifications for teachers has been almost universally required; that parents have been induced to visit and take an interest in the schools; that private and select schools have been to a considerable extent discountenanced, and the entire energies of the inhabitants of districts concentrated on the district school; and that the importance, the capabilities and extended means of usefulness of these nurseries of knowledge and virtue, are beginning to be adequately appreciated in nearly every section of the state."

Notwithstanding this showing the office was discontinued in 1847,[78] apparently because of a popular objection to the additional money required for its maintenance. The superintendent in the report for 1850[79] lamented this action and he spoke particularly of the impossi-

[76] v. above p. 57.

[77] Rept. of Supt., 1844, Doc. of Ass. 1844, No. 34, p. 19.

[78] Laws of N. Y., 1847, Ch. 358, Sec. 1. The duty of making reports to the state superintendent again devolved on the County Clerk as before the creation of the office of Co. Supt.; the duties of certification and inspection were left to the town Superintendent.

[79] An. Rept. of Supt. 1850. In Ass. Doc. 1850, No. 50, p. 10, Christopher Morgan, Superintendent.

bility of collecting the large amount of statistical information desired without some subordinate supervisory agents to carry on the necessary correspondence with individual towns. "The experience of the last two years" he said "warrants the assertion that an efficient administration of the common school sytem cannot be secured without the assistance of this class of officers."

Teachers were employed and paid by the district trustees and only those certified by proper authorities were supposed to be employed.[80] Their wages were paid partly out of the money arising from state funds and town tax, and partly by the money collected through the rate bill in each district, that is, by the actual patrons of the school in proportion to the number of days actually spent in school by their respective children.[81] It was the evident intention of the framers of the original school law that state funds should merely be a source of encouragement to the people at large to support the schools generously. Evidences are not lacking that the inhabitants sometimes merely expended the public money and neglected or refused to pay a school teacher beyond the amount thereby provided. Mr. Spencer, in 1826, reported[82] "From the observation of the committee, and from the best information they can obtain, they are persuaded that the greatest evils now existing in the system are the want of competent teachers, and the indisposition of the trustees of districts to incur the expense of employing those who are competent, when they can be obtained. It is a lamentable fact that from a mistaken economy, the cheapest teachers, whether male or female, and generally the latter, are employed in many districts for three-fourths of the year, and a competent instructor is provided for only one-quarter, and sometimes not at all, during the year. The state is thus made to contribute almost wholly to the support of teachers. This is a perversion of the public bounty; and its effect on the children, which ought to be provided with the means of instruction during the whole year, is most disastrous; for those above five or six years old are thus excluded from school three-fourths of their time, which must be spent in mental idleness, and thus the most precious time for education is utterly thrown away."[83]

[80] v. pp. 67-70, for certification of teachers.

[81] v. Support of Schools, Chap. VI, p. 134.

[82] Report of Literature Committee to the Senate, 1826, Feb. 4, Senate Journal, 1827, p. 157.

[83] The ordinary salary for male teachers in 1840 is given as $20 a month, for female teachers $10. Doc. of Ass. 1840, No. 307, p. 5.

The only suggestion of certification of teachers in the school law of 1795 was the provision that the state apportionment might be withheld from any school if the commissioners did not approve of the moral character or ability of the teacher employed. The law of 1812[84] provided that three or more inspectors should examine the teachers and approve or disapprove them and that "no person be employed as teacher in any of the schools, in any of the districts of the state, who shall not have been previously examined by the inspectors . . . and have received a certificate signed by at least two of said inspectors, importing that he is duly qualified to teach a common school and is of good moral character." No time limit was set for the expiration of such certificate and no provision was made for annulment. The law of 1814[85] included the form of certificate to be used, namely a statement that the teacher was of "good moral character, and sufficient learning and ability and . . . in all other respects well qualified to teach a common school;" provided for the annulment of a certificate at the discretion of three inspectors, three days' notice having been given to the trustees; and further provided that any district employing a teacher not holding such certificate should forfeit all claim to money in the hands of the commissioners during the time such teacher should be employed.

In 1819[86] it was made lawful for three or more of the inspectors to to examine "all persons offering themselves as candidates," and for a majority of those present to issue certificates. By this act it was required that a ten days' notice of annulment of certificates be given to trustees and teachers and that notice of such nullification be filed with the town clerk. It was provided that a teacher might be continued until the end of his contract if the trustees so desired provided the contract did not extend over more than three months beyond the date of annulment. The inspectors were authorized to call for the re-examination of all teachers at any time. In the revised statutes of 1827[87] a qualified teacher is defined as one holding a certificate of qualification dated within one year.

The number of inspectors required to examine a teacher was reduced to two in 1841, and by the same act the county superintendent was authorized to issue a certificate good in any town in the county,

[84] Laws of N. Y., 1812, Ch. 242, Sec. 6.

[85] *Ibid.*, 1814, Ch. 192, Sec. 19, 23.

[86] *Ibid.*, 1819, Ch. 161 Sec. 18.

[87] Revised Statutes 1827, Ch. 15, Tit. II, Art. 5, Sec. 93. This is the first mention of any limit to a certificate other than annulment by official action.

and with the consent of two inspectors to annul any certificate granted.[88] In 1843[89] the inspectors were superseded by the town superintendent who received their power of certification and the county superintendent was authorized to issue two certificates, one good in the county and until annulled by him, the other good only in a specific town and for a year. No basis of distinction between the two is stated. The said superintendent could at any time annul a certificate granted by himself without the consent of any town official. By the same act the state superintendent was authorized to grant a state certificate valid until revoked by him. The same qualifications are cited, namely, moral character and ability to teach a district school. In an act of 1847[90] relative to town superintendents, a qualified teacher is defined as one holding a certificate from the town superintendent dated within one year; no mention is made of a state certificate. In 1849[91] the diploma of the State Normal School was made equivalent to a certificate to teach anywhere in the State.

No exact requirements for certification were ever stated in the laws. The decision as to what constituted "moral character and ability to teach a district school" was left to the judgment of the officials who issued them. Mr. Randall,[92] when superintendent, suggested that the following requirements be made before granting a certificate; "it should appear from the examination of the candidates that they are good spellers, distinct and accurate readers, write good plain hands, can make pens and are well versed, 1. in the definition of words; 2. in arithmetic, at least so far as the double rule of three; 3. in geography as far as contained in any of the works in ordinary use; 4. in the history of the United States, of England and of Europe generally; 5. in the principles of English grammar; 6. in the use of globes."

Supt. Benton in 1848[93] said "A school teacher should have a complete knowledge of and be able to teach thoroughly orthography, reading writing, geography, history, mental arithmetic, written arithmetic, English grammar, natural philosophy and bookkeeping before a certificate of qualification is granted. Other branches of English instruction are pursued in many of our common schools such as algebra, geometry,

[88] Laws of N. Y. 1841, Ch. 260, Sec. 6 and 36 Subdivision 2 and 3.

[89] *Ibid.*, 1843, Ch. 133, Sec. 8, 9, 10.

[90] *Ibid.*, 1847, Ch. 480, Sec. 12, The office of County Supt. was abolished by Ch. 358 of Laws of 1847 and the county certificate necessarily ceased to be issued.

[91] *Ibid.*, 1849, Ch. 382, Sec. 11.

[92] Randall, Digest, 1844 p. 40.

[93] Ass. Doc. 1848, No. 5, p. 19.

chemistry, human physiology, intellectual and moral philosophy, astronomy, science of government, drawing and vocal music with great success."

From the many official complaints regarding teachers it is evident that the matter of certification was treated rather lightly. The literature committee of the senate in 1826 reported[94] "The present arrangement of the authority to license and employ teachers, contributes to this result (i.e. inefficiency of schools). Teachers are licensed by town inspectors, themselves generally and necessarily incompetent to determine upon the qualifications of candidates, and willing to sanction such as the trustees feel able or disposed to employ. This is essentially wrong and the state, which contributes so large a portion of the compensation of the teacher, has a right to direct its application in such a way as to effect the object of procuring useful instruction. The remedy must be found in the organization of some local board, vested with the authority of licensing teachers and of revoking the license, and charged with a general superintendence of the schools within the prescribed limits. The division of the state into counties affords a convenient distribution of territory for these purposes. And if it is to be made a condition of receiving the public donation, that teachers thus authorized shall have been employed for a portion of the year, it is believed that the sure and inevitable consequence would be the employment of instructors much more competent than the average of the present teachers. In those counties where the population is small and scattered, the standard of competency will necessarily be low, but it will advance with the means of the districts and with the prosperity and intelligence of the counties. In other counties, where candidates were more numerous, the qualifications would be higher. The teachers would become emphatically a profession; men would devote themselves to it as the means of livelihood, and would prepare themselves accordingly. Their character would advance, and with it their usefulness and the respect of their fellow citizens. Such is an outline of the first efforts, which, in the opinion of the committee, should be made to obtain able teachers."

In 1835 Supt. Dix[95] complained of carelessness in the matter of certification in much the same strain. Supt. Young in 1843[96] said, "If none but properly qualified teachers are permitted to find their way to our schools; if the certificate of the examining officer, and the

[94] Report of Lit. Com. in Senate, 1826, Feb. 4, Senate Journal 1826, p. 157.
[95] Rept. of Supt. in Ass. Doc. 1835, No. 8, p. 15 ff.
[96] Supt. Report, 1843. In Ass. Doc. 1843, No. 14, pp. 20–40.

sanction of his authority, are given to those only who are intellectually and morally fitted adequately to discharge the duties of instructors of youth, . . . these elementary institutions will speedily become the fitting temples of science, the nurseries of virtue, and the pride and boast of the state. Hitherto this duty has been deplorably neglected; and the disastrous consequences are everywhere visible in the degradation of the district school, the substitution of private and select schools of every grade, the low estimation in which the profession of teacher is held, and the miserable pittance—too often most costly in its utmost scantiness—which is reluctantly doled out to the needy and destitute adventurer. A thorough reform in this respect is imperatively demanded as well by public sentiment as by a just regard to the paramount interests of education; and no considerations of temporary convenience to a particular district, of favor to individuals, or of regard to the prejudice or preferences of inhabitants or trustees, will, it is hoped, hereafter be permitted in any case to sway the action of the certifying officer, or incline him, either to the right or the left, from the plain path of duty and obligation. A certificate should in no case, and under no circumstances, be granted, unless the candidate is found upon a careful examination, well qualified to instruct in all the ordinary branches usually taught in common schools, thoroughly versed in the principles of elementary science, capable of readily applying them to any given case, and able to communicate with facility, the results of his knowledge; and unless in addition to this, his character and demeanor are irreproachable, his habits exemplary, and his moral principles undoubted."

The report of the commission on common schools in 1811[97] set forth the neccessity of employing only moral and efficient teachers but foresaw, apparently, no need of special training. "The legislature will perceive, that the commissioners are deeply impressed with the importance of admitting such teachers only, as are duly qualified. The respectability of every school must necessarily depend on the character of the master. To entitle a teacher to assume the control of a school, he should be endowed with the requisite literary qualifications not only, but with unimpeachable character. He should also be a man of patient and mild temperament. To enable a teacher to perform the trust reposed upon him, the above qualifications are indispensable. As an impediment to bad men getting into the schools as teachers, it is made the duty of the town inspectors strictly to inquire into the moral and literary qualifications of those who may be candidates for the place of

[97] v. Chap. I, p. 15. Note 70.

teacher. And it is hoped that this precaution, aided by that desire which generally prevails of employing good men only, will render unnecessary any other measure." Evidently the hopes of the commission were not realized for complaints of the inefficiency of teachers of common schools and pleas for some provision for their training and instruction appear with monotonous regularity in the messages of the Governors after 1819 when DeWitt Clinton strongly urged the need of some sort of training.[98] The evils of poor instruction must have been acute for he refers to the subject in his messages of 1820, 1825, and 1826.[99] In the latter he said, "It must be conceded that the information of many of the instructors of our common schools does not extend beyond rudimental education. . . . I therefore recommend a seminary for the education of teachers in the monitorial system of instruction and in those useful branches of knowledge which are proper to engraft elementary attainments."

A senate committee considered this suggestion and brought in a bill to "increase the common school fund and the literature fund, to promote the education of teachers and to regulate their appointment." It was not passed[100] nor was Governor Clinton's idea of a separate school for training teachers realized until 1844. In 1827[101] he urged that there be a central school in each county for the education of teachers. An act was passed[102] "to increase the school and literature funds and improve the education of teachers." The true significance of this bill does not appear on its face; the report[103] accompanying it, however, makes clear the real object of the increase of funds and of the regulations for their distribution. "Every citizen who has paid attention to it," the report states "knows that the incompetency of the great mass of teachers is a radical defect, which impedes the whole system, frustrates the benevolent designs of the legislature and defeats the hopes and wishes of all who feel an interest in disseminating the blessings of education." . . . "The colleges and academies ought to furnish competent instructors and indeed to them we are indebted, but chiefly to the academies, for the qualified instructors now employed." After speaking of the proposed increase in the literature fund and the method of distribution, the report continues, "the object is to promote the education

[98] Gov. Mess. 1819.

[99] *Ibid.*, 1820, Nov. 7; 1825, Jan. 4; 1826, Jan. 3.

[100] Lincoln, Messages from the Governors, III, p. 117, Note 2.

[101] Gov. Mess., 1827.

[102] Laws of New York, 1827, Ch. 228.

[103] Senate Journal, 1827, p. 224–229.

of young men in those studies which will prepare them for the business of instruction. . . . There is a radical deep and extensive defect in our common school system . . . and that defect consists in the want of competent instructors." Teachers were not mentioned in the bill itself, but the literature fund was increased and the distribution of its income was limited to those academies teaching classical and higher English branches.

The report of the literature committee in the preceding year[104] also shows clearly the motives which inspired this bill: "In the view which the committee have taken, our great reliance for nurseries of teachers must be placed on our colleges and academies. If they do not answer this purpose they can be of very little use. That they have not hitherto been more extensively useful in that respect, is owing to inherent defects in the system of studies pursued there. When the heads of our colleges are apprised of the great want of teachers which it is in their power to so completely relieve, if not supply, it is but reasonable to expect that they will adopt a system by which young men whose pursuits do not require a knowledge of classics, may avail themselves of the talent and instruction in those institutions suited to their wants, without being compelled also to receive that which they do not want, and for which they have neither time nor money."

"Our academies also have failed to supply the want of teachers to the extent that was within their power; although it is acknowledged that in this respect they have been eminently useful. But instead of being incited to such efforts, they are rather restrained by the regulations adopted by the Regents of the University for the distribution of the literary fund placed at their disposal. The income of that fund is divided among the academies in proportion to the number of classical students in each, without reference to those who are pursuing the highest and most useful branches of an English course. With such encouragement, how could it be expected of trustees of academies that they should prefer a pupil disposed to study the Elements of Euclid, Surveying, or Belles-lettres, to a boy who would commit the Latin grammar, while the latter would entitle them to a bounty which was refused to the former? The committee are not disposed to censure the Regents; they have merely followed the fashion of the times; and it is believed that they are themselves alive to the importance of extending the usefulness of the institutions under their care, by adapting them more to the wants of

[104] Report of Literature Committee to the Senate, Mr. Spencer, Chairman, 1826. In Senate Jour. p. 157 and 158.

the country and the spirit of the age. But if they should not be willing to extend the benefits of the fund under their control, beyond classical students, still it will be in the power of the legislature, and within the means of the state, to appropriate a capital sum that will yield a sufficent income to compensate for this inequality, and to place the English students on the same footing with the others, and thus make it the interest of the academies to instruct them. And if this bounty be distributed in reference to the number of persons instructed at an academy who shall have been licensed as teachers of common schools by the proper board, it is believed the object of obtaining able instructors will soon be accomplished."

Governor Clinton's next suggestion was that the supervisor in each county raise $2,000 by subscription for a monitorial high school in the county town.[105] Enos Throop,[106] and William Marcy[107] seconded Clinton's efforts and at length provision was made for establishing normal departments in certain academies. It was enacted[108] that "the revenue of the literature fund hereafter to be paid into the treasury, over the sum of twelve thousand dollars, or portions thereof, may be distributed by the regents of the university, if they shall deem it expedient, to the academies subject to their visitation, or a portion of them, to be expended as hereinafter mentioned. The trustees of academies to which any distribution of money shall be made by virtue of this act, shall cause the same to be expended in educating teachers of common schools, in such manner and under such regulations as said regents shall prescribe." In 1835, Gen. Dix, as chairman of a committee of the Regents of the University, appointed to prepare and report a plan for the better education of teachers of common schools, submitted to the regents a report recommending the establishment and organization of a teachers' department to be connected with one academy, to be designated by the Regents, in each of the eight senatorial districts of the state; indicating the course of study to be pursued in such departments; and suggesting for the consideration of the Regents the academies to be selected for this purpose, which should each receive annually the sum of $400 from the fund applicable to this object. The report was agreed to by the Regents.[109] Pur-

[105] Gov. Mess. 1828. In this he cited the Livingston Co. High School as a successful example.

[106] *Ibid.*, 1830.

[107] *Ibid.*, 1834.

[108] Laws of N. Y., 1834, Ch. 241.

[109] Randall Digest, p. 59.

suant to this adoption the Regents agreed that they would appropriate $4,000 for the first establishment of such departments and $3,200 annually to be divided among eight schools, one to each senate district, namely: Erasmus Hall (Washington Academy in Washington Co. was substituted in 1836), Montgomery, Kinderhook, St. Lawrence, Fairfield, Oxford, Canandaigua and Middlebury academies, provided the trustees of these academies agreed to the establishment of such departments.[110] In 1837[111] an act was passed as follows: "The institutions in which departments for the instruction of common school teachers are or shall be established, shall make to the superintendent of common schools an annual report of the condition of those departments, in such form and containing such information as he may from time to time require and in respect to the organization and management of the departments and the course of studies therein, the said institutions shall be governed by such direction as he may prescribe; and he may direct the said forms and direction to be printed by the state printer." The regents' report of 1838 states that these academies agreed to organize such departments.[112]

In 1838 Governor March again deplored the inefficiency of teachers.[113] He stated that the normal departments in the eight academies were doing well but were not enough to supply the demand. He recommended more such schools or a normal school in each county. In this year the amount to be distributed yearly from the literature fund was increased by $28,000 from the United States deposit fund and every academy receiving as much as $700 per annum was required to maintain a department for the instruction of common school teachers under the direction of the regents.[114] This provision for establishing normal departments did not meet the approval of the regents. They reported: "It appears that eight departments for normal work should be established under the law of 1838; four of these will be connected with academies so situated as to afford no reason to suppose they will promote to any considerable extent to the object of their institution."[115] The academies designated were Erasmus Hall, Amenia, Albany Female, Troy Female, Genesee-Wesleyan, Cortland, Rochester Collegiate and Ithaca Academies. The regents objected that three of these were in cities, not,

[110] Instructions from the Regents for Academies, 1836, p. 88.
[111] Laws of N. Y., 1837, Ch. 241.
[112] Regents' Report 1838, p. 88.
[113] Gov. Mess. 1838.
[114] Laws of N. Y., 1838, Ch. 237.
[115] Rept. of Reg. 1838, p. 13.

they said, the best situation for a normal school; that two were female academies; and that this arrangement left the fifth district entirely unprovided for. Evidently they did not forecast the feminization of the schools for their objection to the female academies was that whereas their present curriculum was suited to their constituency, normal training would not be thus suited, and that if this plan were carried out it would be necessary to open the schools to young men.

Governor Seward seems to have been eminently satisfied with the prospect. In 1839 he said, "We seem at last to have ascertained the only practicable manner of introducing normal schools into our country. It is by engrafting that system on our academies."[116] The matter of normal training, however, was not to be settled in this way. In 1844 a normal school to be built at Albany was finally provided for.[117] By this law it was enacted that "1. The treasurer shall pay on the warrant of the comptroller, to the order of the superintendent of common schools from that portion of the avails of the literature fund appropriated by chapter two hundred and forty-one of the laws of one thousand eight hundred and thirty-four, to the support of academical departments for the instruction of teachers of common schools, the sum of nine thousand six hundred dollars; which sum shall be expended under the direction of the superintendent of common schools, and the regents of the university, in the establishment and support of a normal school for the instruction and practice of teachers of common schools in the science of education and in the art of teaching, to be located in the county of Albany.

"2. The sum of ten thousand dollars shall, after the present year, be annually paid by the treasurer on the warrant of the comptroller, to the superintendent of common schools, from the revenue of the literature fund, for the maintenance and support of the school so established, for five years, and until otherwise directed by law.

"3. The said school shall be under the supervision, management and government of the superintendent of common schools and the regents of the University. They shall appoint a board consisting of five persons, of whom the said superintendent shall be one, who shall constitute an executive committee for the care, management and government of the said school under the rules and regulations prescribed as aforesaid, whose duty it shall be from time to time to make full detailed reports to the said superintendent and regents, and among other things

[116] Gov. Mess., 1839.

[117] Laws of N. Y., 1844, Ch. 311.

to recommend the rules and regulations which they deem necessary and proper for the said school."[118]

The said funds did not yield enough to meet this appropriation and the general treasury was instructed to make good the deficiency; the money so expended to be repaid from the United States deposit fund. The appropriation was continued for five years.[119]

Governor Wright in 1845[120] voiced an objection to the normal school which he said, was "creating serious apprehensions in the minds of portions of our citizens." The fear was that such a school maintained by the state would have a political affiliation with the party which established it which would prove disastrous to the state. He declined to express an opinion himself but his next message is frankly favorable.[121] The report for the first year showed that ninety-eight attended during the first term, one hundred and eighty-five during the second term, and one hundred and ninety-seven during the third. Of this latter number one hundred and seventy-six had already taught. The committee reported that by fitting up more rooms they could accomodate two hundred and fifty-six, and that in the future all pupils would be selected by the county superintendent from the counties upon the ratio of representation in the assembly and equally entitled to a distributive share of the public money for tuition and a part of their traveling expenses by an equitable reference to the distance traveled. During the first year $.75 per week was paid toward the board of each state pupil. Whether this was continued is not clear. The governors in 1848, 1849, and 1850 reported that the normal school was justifying "the warmest anticipations of its friends."[122]

For the years 1847 and 1848 besides the $10,000 for support, $500 was approriated in each year, "for the purchase of books, scientific apparatus, furniture and making repairs, in the school rooms and building occupied by the school."[123] The school was made permanent by the act of 1848[124] which directed that not more than $15,000 should be paid over from the general fund to the state superintendent for

[118] It will be noticed that the law of 1837 (v. p. 74) required that academies having normal depts. report to the State Supt. The law of 1838 (v. p. 74) put them under the direction of the regents. This act recognizes both.

[119] Laws of N. Y. 1845, Ch. 142.

[120] Gov. Mess., 1845.

[121] Gov. Mess., 1846.

[122] Gov. Mess., 1848, 1849 and 1850.

[123] Laws of N. Y., 1847, Ch. 50.

[124] *Ibid.*, 1848, Ch. 318.

erecting a suitable building for the school and continued the provisions of the act of 1844. The next year $10,000 more were appropriated for completing the building.[125] An appropriation of $2,000 more for "window blinds and seats" was made in 1850 and $300 for repairs.[126]

Normal departments in the academies were evidently not discontinued although no mention of them has been found in the legislation after 1838 until the appropriation bill of 1849[127] which provided that out of the literature or the United States deposit fund $250 should be paid in 1850 to one or more academies in each county, provided it had instructed twenty pupils for at least four months in the science of common school teaching.

The curriculum of the common schools was not established by law. The report of the Commission of 1812 suggested "reading, writing, arithmetic and the principles of morality" as essentials. In 1826[128] Gov. DeWitt Clinton made a comment which suggests that the curriculum had been kept within these limits: "Our system of instruction, with all its numerous benefits, is still, however, susceptible of improvement. Ten years of the life of a child may now be spent in a common school. In two years the elements of instruction may be acquired, and the remaining eight years must either be spent in repetition or in idleness, unless the teachers of common schools are competent to instruct in the higher branches of knowledge. The outlines of geography, algebra, mineralogy, agricultural chemistry, mechanical philosophy, surveying, geometry, astronomy, political economy and ethics, might be communicated in that period of time by able preceptors, without essential interference with the calls of domestic industry."

Superintendent Flagg in 1827[129] recommended that "The course of instruction in the common schools ought to be adapted to the business of life, and to the actual duties which may devolve upon the person instructed. In a government where every citizen has a voice in deciding the most important questions, it is not only necessary that every person should be able to read and write, but that he should be well instructed in the rights, privileges and duties of a citizen." In 1835 Superintendent Dix[130] after remarking on the defective state of the systems of instruction

[125] *Ibid.*, 1849, Ch. 50.

[126] *Ibid.*, 1850, Ch. 133 and 274.

[127] *Ibid.*, 1849, Ch. 174.

[128] Gov. Message, 1826.

[129] Ass. Jour. 1827, App. A. p. 9.

[130] Rept. of Supt. for 1835, pp. 23–32.

in common schools, proceeded at considerable length to combat the idea that the education which an individual receives, should be designed exclusively to fit him for the particular employment which he is destined to pursue. "The attention of the great body of the people" he remarks, "should be directed to objects beyond the sphere of the employments on which they depend for their support. . . . Knowledge carries with it influence over the minds of others, and this influence is power. In free governments . . . what is of more vital concern, it is political power." And he illustrates these views by a reference to the range and importance of the duties devolving upon every American citizen. He makes the definite suggestion that the curriculum of the elementary schools should cut down the time spent on grammar and should add 1. geography, including that of the state, the United States and a brief account of the geography of the world; 2. history of the United States and the elements of general history; 3. arithmetic as far as and including the rule of three to which should be added the elements of geometry; 4. civil and criminal jurisprudence, that is a few practical principles; 5. constitutional law such as may be obtained by studying the constitution of the United States and of New York; 6. the duties of public officers, so much as relates to state, country and town officials.

The following list of subjects studied in the common schools is found in the report of the Superintendent for 1843[131]

Number of pupils in attendance	173,384
Number engaged in learning the alphabet	9,377
Number engaged in learning to spell exclusively	37,847
Number engaged in learning reading and spelling	132,549
Number engaged in learning definition of words	19,370
Number engaged in learning arithmetic	64,705
Number engaged in learning geography	41,051
Number engaged in learning history	6,973
Number engaged in learning English grammar	28,119
Number engaged in learning use of globes	358
Number engaged in learning algebra	616
Number engaged in learning natural philosophy	2,500
Number engaged in learning chemistry and other branches	1,904

This list together with the requirements suggested by Superintendent Benton in 1848[132] as a prerequisite for certification and his statement of the subjects taught in the common schools show that the cur-

[131] Supt. Rept. Ass. Doc. 1843, No. 14, p. 7.

[132] v. p. 68 above and curriculum of academies, Chap. III, pp. 48–49.

riculum was rapidly widening and was beginning to overlap that of the academies. The number of pupils studying the more advanced subjects, however, was small. Only six per cent studied history; two per cent geography; two and one-half per cent "natural philosophy, chemistry and other branches"; and even arithmetic enlisted only 39 per cent of the total enrollment.

A memorial presented to the legislature in 1835 by six men from Albany shows the opposition to this widening of the curriculum. They urged that the attention of the school be concentrated on the elementary work and advised evening schools with itinerant teachers "for such as wish to study parsing and the intricate rules of arithmetic since otherwise the little children do not receive adequate attention." The statement continues "let us remark that the teaching of grammar, geography, penmanship, reading and arithmetic, all in one short winter day creates a preposterous jargon and frustrates the benign intention when forming the institution" (of the common schools).[133]

The library idea appeared in school legislation in 1835 in which year an act was passed[134] authorizing each district to levy a tax not exceeding $20 for the first year, or $10 thereafter, for purchasing a district library. When the income of the United States deposit fund was appropriated to the use of schools $55,000 annually was set aside to be distributed among the school districts on condition that an equal amount be raised by the district. This money was to be used for three years for purchasing a library and thereafter for a library or teachers' wages in the discretion of the inhabitants.[135] It was reported in 1840 that in most districts libraries were in operation.[136] An act of 1843[137] provided that no district should receive a share of this fund unless it could show that the money previously received had been properly expended. It was further provided that when in a school of over fifty pupils the library had reached a total of 125 volumes, or 100 volumes in a school of less than fifty pupils, the money might be spent for maps, globes, blackboards or scientific apparatus.

[133] Assem. Doc. 1835, Vol. I, No. 34.

[134] Laws of N. Y., 1835, Ch. 80. The trustees of the district were made trustees of the library and responsible for its maintenance, *Ibid.*, 1839, Ch. 177.

[135] *Ibid.*, 1838, Ch. 237, Sec. 4. The three years was changed to five by 1839, Ch. 177.

[136] Ass. Doc. 1840, No. 307, p. 6.

[137] Laws of N. Y., 1843, Ch. 133, Sec. 15 and 16.

The school law provided neither for systematic grading nor for anything analagous to the present day high school.[138] Some regulations relative to separating the different grades were made in certain cities and will be spoken of later. The place of the modern high school was filled to some extent by incorporated academies under the control of the regents. The special provisions and regulations for the conduct of education in the cities and larger towns and the details for the support of schools are so numerous as to call for separate discussion.

[138] The Union Schools established in accordance with an act of 1857 (Ch. 433) were the foundation of the public secondary system. By this act several districts were allowed to unite and form one district and to elect a Board of Education which had authority to establish academical departments, under the direction of the regents, wherever it seemed desirable.

CHAPTER V

Special Legislation for Cities

The district school of New England developed in response to the needs of small, rural communities, in a sparsely settled country where facilities for transportation were poor. New York adopted the same unit for school organization at a time when similar conditions existed in that state. Notwithstanding the acknowledged defects of the district system it was suited in some measure to the needs and limitations of a scattered population; but the small independent district with its meagre funds and intense individualism was ill-adapted to the requirements of larger communities. The special legislation for towns and ciites in New York is due partly to the necessity of adapting the established system to the changing conditions of growing communities; partly, to the fact that where schools were already in existence they were sometimes utilized and were made to some extent a part of the state system.

The City of New York

Because of certain differences in conditions and development it seems best to speak of the City of New York apart from the other cities of the state. The situation in this city was peculiar chiefly in this, that private schools for the well-to-do and charity schools for the poor, under the patronage of religious or philanthropic organizations, were already established in considerable numbers[1] when the first step was taken toward a permanent state system of elementary education. For many years an effort was made to coördinate these private institutions with the state school system but the attempt was not successful and finally complete public control was established.

Special arrangements were made for the City of New York by the school act of 1795 and by an act supplementary to the school act of

[1] Boese, Hist. of Public Ed. in City of N. Y. p. 24, cites the Directory of 1805 as authority that there were 141 teachers in N. Y. at that time, including those who taught in Church Schools. Hasse, Economic Index, New York, p. 208 names nine private and parochial schools whose records go back of 1812, and eight more whose records begin before 1820.

1812 whereby the state funds were to be divided among existing schools. Until 1820 the Free School Society, an undenominational school established in 1805, and the church schools worked in apparent harmony dividing between them the public funds. As the result of a religious controversy from 1820 to 1824, the Free School Society was left in practical control of public education in New York until 1842. Great dissatisfaction had arisen meantime over the concentration of power and public funds in the hands of a private corporation. In 1842 the Society was forbidden to open any new schools, a board of education was established for the city, and the system of the rest of the state was extended to New York, each ward being considered as a district. These controversies are reflected in the legislation, but the laws themselves give little clue to the underlying reasons for the enactments made and it is often necessary to go to other sources in order to understand the meaning of the action taken by the legislature.[2]

The law of 1795[3] which provided for the establishment of common schools throughout the state made the following arrangement for New York: that "the common council cause as well as the money so appropriated for encouraging and maintaining schools in the city and county of New York as the money to be raised in the said city and county for the same purposes by virtue of this act to be applied for the encouragement and maintenance of the several charity schools as of all other schools in which children shall be instructed in the English language or taught English grammar, arithmetic, mathematics, and such other branches of knowledge as are most useful and necessary to complete a good English education, whether the children taught in such charity school shall be the children of white parents or descended from Africans or Indians, in such manner as the common council shall think proper and in conformity with the intent of this act." The city government in 1797 represented that the basis of distribution suggested in the preceding act, namely the whole number of days of attendance, was impracticable and secured an amendment,[4] which provided that 1/6 of the money, both appropriated and raised, should be assigned to charity schools, the same to be distributed according to the judgment of the common

[2] Boese, in an official report to the Board of Education, entitled, "Public Education in the City of New York," gives a detailed though somewhat partisan history of the Free School Society based on reports and documents of the Society and of the Board of Education. Dunshee, in "Schools of the Reformed Dutch Church," states the other side of the religious controversy.

[3] Laws of N. Y., 1795, Ch. 82.

[4] *Ibid.*, 1797, Ch. 34.

council; that the remainder be distributed "among the schools which in any wards in the said city might be established and conducted in conformity to the said act and in proportion to the number of days of instruction given in such schools respectively; but not more than the amount paid or agreed to be paid to the master for teaching the said scholars in such school." And, moreover, the city government was authorized to devote the said 5/6 part and any residue in their hands "until such school or schools shall be established and all such surplus, if any, as such schools shall not be entitled to receive according to the direction of this act, from time to time to the erecting, supporting, and maintenance of one or more free schools in the city of New York, in which the scholars shall be instructed in the English language, or be taught reading, writing, the English grammar, arithmetic, mathematics and such other branches of knowledge as are most useful and necessary to complete a good English education; which public school shall be subject to the direction of the mayor, aldermen and commonalty of the city of New York for the time being, and of such commissioners as they from time to time appoint for that purpose." It was further enacted that children should be received according to the priority of their application and, if more should apply than could be received, preference should be determined by ballot. It should be noted that the term "free school" does not necessarily mean a school in which no tuition was charged but merely indicates that there were no restrictions of race, color, or religion and usually, that poor children were admitted free of expense.

If such schools had been established in sufficient numbers to take care of the school population much trouble might have been saved later; but unfortunately the ward schools and the free schools outlined in this amendment, seem not to have materialized. In 1801[5] the mayor and commonalty were directed to divide equally the money remaining in their hands under the act of 1795 among the trustees of the African School[6] and the following church organizations: the Episcopal Church (Trinity), Christ's Church, the First Presbyterian, the Reformed Dutch, the Methodist Episcopal, the Scotch Presbyterian, the United German Lutheran, the German Reformed, the First Baptist, and the Church of the United Bretheren. This money was directed to be put out at

[5] *Ibid.*, 1801, Ch. 189.

[6] This was the school of the Manumission Society established in 1785 and incorporated 1808. The schools established by this Society became the colored schools of the Bd. of Ed. Boese, *op. cit.*, p. 23.

interest and the income annually expended "in the instruction of poor children in the most useful branches of common education." The trustees of each organization were directed to make annual reports to the common council as to the method of expenditure on pain of forfeiting the whole amount.

In 1806 the charity school connected with Trinity Church was incorporated under the title of "The Trustees of the First Protestant Episcopal Charity School."[7] The use of any fund which had accrued to the school under the above act was vested in the trustees and they were authorized "to receive and admit into the said school, to be boarded, lodged, clothed and educated, or to be educated only at the expense of the corporation hereby erected, such and so many poor children of either sex, as they shall judge fit so to admit." The following extract from the act of incorporation indicates the scope of the responsibility taken by such charity schools: "The parents of every such poor child or the person or persons authorized by law to bind out the same, shall subscribe in writing his, her or their request or consent to such admission; and . . . every such poor child having been so received, shall be boarded lodged, clothed and educated, or educated only, as the case may be, at the expense of the said corporation and until he or she shall have attained the age of fourteen years; and such of them as shall have been so boarded, lodged, clothed and educated, as aforesaid, may then be placed out and bound apprentice, by the said corporation, to and with any suitable person or persons in this state to learn such trade, business, or profession, and upon such terms and conditions, and for such period of time, in the case of boys not to exceed the age of twenty-one years and in the case of girls not to exceed the age of eighteen years, as to the said trustees or the major part of them, shall appear eligible." In this same year[8] the Free School of St. Peter's Church, (Roman Catholic) was granted public money equal in amount to that paid to each of the above mentioned schools, the money to be used in the same way. A similar act made a like provision for the Shearith Israel Congregation in 1811.[9]

Meanwhile a new society had been incorporated which was destined to play a conspicuous part in the city.[10] The following preamble to

[7] Laws of N. Y., 1806, Ch. 52.

[8] *Ibid.*, 1806, Ch. 63.

[9] *Ibid.*, 1811, Ch. 246.

[10] *Ibid.*, 1805, Ch. 108. By a new charter in 1808 (Ch. 99) the name was changed to the Free School Society of the City of New York.

the articles of incorporation sufficiently sets forth the object: " . . . DeWitt Clinton and others have associated themselves for the laudable purpose of establishing a free school in the City of New York for the education of the children of persons in indigent circumstances, who do not belong to or are not provided for by any religious society and the said persons have presented a petition to the legislature setting forth the benefits which would result to society by the education of such children, by implanting in their minds the principles of religion and morality, and by assisting their parents in providing suitable positions for them, where habits of virtue and industry may be acquired, and . . . it would enable them more effectually to accomplish the benevolent objects of their institution, if their association were incorporated." The incorporation provided that the trustees should establish "two or more free schools . . . for the more fully extending the benefits of education to poor children." Forty names were given as members of the corporation besides the mayor and common council who were members ex-officio, and membership was open to anyone who should contribute eight dollars to the support of the school. Application to the legislature for assistance in 1807 led to the enactment:[11] "That out of the monies appropriated by the act entitled 'An act to lay a duty on strong liquors, and for regulating inns and taverns to the payment of the contingent charges to the city of New York' there should be paid to the trustees of this society for the purpose of erecting a suitable building or buildings, for the instruction of poor children, the sum of $4,000 and every year hereafter, until the pleasure of the legislature shall otherwise determine, there shall be paid to the trustees . . . the amount of $1,000 for the purpose of promoting the benevolent objects of the corporation." A further grant of four thousand dollars from the same fund was made in 1811 "for the purpose of erecting another building for the instruction of poor children;" and it was further enacted that "every year hereafter until the pleasure of the legislature shall otherwise determine, there shall be paid to the said trustees out of the proceeds of the said fund, in addition to the annual sums heretofore granted, the sum of five hundred dollars for the purpose of promoting the benevolent objects of the said corporation."[12]

[11] *Ibid*, 1807, Ch. 20, Boese, *op. cit.*, p. 30 says that the school at that time numbered 150 pupils, including 50 pauper children received in return for the use of a building granted by the city.

[12] *Ibid.*, 1811, Ch. 84.

From the preceding account of legislation it becomes evident that up to the time of the general school act of 1812 common school education in New York City was in the hands of private schools or of charity schools. These latter were specifically for the education of the poor who, however, were expected to pay a small tuition if they were able to. There were twelve schools connected with the various churches which have already been mentioned, a school for colored children, an orphan asylum with school attached, and two schools under the Free School Society.[13] There had been an abortive attempt to establish municipal schools in 1797. The reason for this failure undoubtedly lies in the fact that the private and church schools were too strongly intrenched to be displaced. These church schools and the African school had received equal amounts of the money collected from the city and received from the state under the law of 1795. The orphan asylum had received nothing up to this time. The Free School Society had received from the state $8,000 for erecting buildings and an annuity of $1,000 from 1807–1811, when it was increased by $500. No supervision was exercised over any of these schools by public officers.

The act of 1812 made no provision for New York. The next year a supplementary act was passed for this purpose.[14] By this supplementary act the city and county of New York was assigned a proportionate share, based on population, of the $50,000 to be distributed. The city government was authorized to raise an equal amount by a tax. Five commissioners were to be appointed who should "distribute and pay the monies so received from the chamberlain, to the trustees of the Free School Society in New York City, the trustees or treasurer or the Orphan Asylum Society, the Society of the Economical School in the city of New York, the African Free School, and to such incorporated religious societies as now support or hereafter shall establish charity schools within the city, who may apply for the same."[15] It was further provided that "such distribution shall be made to each school in proportion to the average number of children between the ages of four and fifteen years taught there in the year preceding such distribution free

[13] This society opened a second school in 1811, Boese, p. 31.

[14] Laws of N. Y., 1813, Ch. 52.

[15] The Hamilton Free School in the 9th ward of the city, the Female Association, and the Roman Catholic Benevolent Society were added to the list of beneficiaries by the laws of 1818, Ch. 184, 1819 Ch. 168, and 1820, Ch. 127. The Hamilton Free School was incorporated in 1818; the Female Association dates from 1802 and maintained schools for white girls (Boese, p. 23). In 1820 they enrolled 700 pupils (*Ibid.*, p. 33, N. 1). The R. C. Benevolent Society was for the care of orphans.

of expense; provided, "that no money shall be distributed by the commissioners aforesaid to the trustees of such free school, or of charity schools, as shall not have been kept for the term of at least nine months during the year preceding such distribution as aforesaid." It was further enacted "That the trustees or treasurers of the societies in the city that support charity schools therein, shall respectively, on or before the first day of May in each year, certify under their corporate seals, to the commissioners the whole number of children between the ages of four and fifteen who have been taught in their schools free of expense during the preceding year, specifying the number of regular scholars therein at the end of each quarter, and the time during which their schools shall have been kept for such preceding year, and after the first distribution of school money shall have been made, the trustees or treasurer aforesaid shall respectively certify in manner aforesaid the amount of money which they shall have received from the commissioners during the preceding year, and the manner in which the same shall have been expended, whereupon the commissioners aforesaid shall make report to the clerk of the city and county of New York, who shall transmit the same to the superintendent of the common schools in the manner directed by the 17th section of the Act for the Establishment of Common Schools.

"That the sums of money which the respective trustees or treasurers shall from time to time receive from the commissioners shall be applied by them to the payment of the wages of the teachers, and to no other purpose whatever.

"That the trustees or treasurers of the societies in the city as now or hereafter may support charity schools therein, shall be inspectors of the schools in their respective societies, and shall possess the like powers and perform the like duties relating to their respective schools as the inspectors of the schools are authorized and empowered to do in and by the sixth section of the act for establishment of common schools."

The chief points of differences between the provisions made for the city of New York and for the state at large were: 1. That schools established by religious or benevolent societies and under private control were to be the recipients of the public funds. 2. That the money was divided on the basis of the number of children taught free of expense instead of the whole number of children. 3. That a minimum term of nine months was fixed for the city schools whereas nothing was said about the length of term for other schools in the state. 4. That the range of age for the children to be included in the reports was 4–15 instead

of 5–15; 5. That there was no inspection except by the trustees. 6. That no public officials had power to pass on the qualifications of teachers. 7. That no requirements were made as to subjects to be taught. It is evident that the people at large had no share in the management of the schools or the funds except in so far as they might be associated with the various organized bodies.

The provisions of this act remained in force until 1824. Before that time a controversy, only faintly reflected in the legislation, had arisen between the Free School Society and the Church Schools. It is necessary to know something of the grounds of this quarrel in order to understand the legislation which follows. In 1817[16] the Free School Society obtained the passage of an act permitting them to apply any surplus funds after paying their teachers "to the instruction of school masters on the Lancastrian plan, to the erection of buildings for schools, and to all needful purposes of a common school education, and to no other purposes whatever." On their representation that "at Manhattan Island, and two adjoining settlements, there is considerable population, embracing perhaps one thousand children, who are destitute of the means of education;" they were granted by the same act "out of the monies appropriated by the act, entitled "An Act to Lay a Duty on Strong Liquors, and for Regulating Inns and Taverns," for the exclusive purpose of erecting a suitable building, according to the prayer of the said petitioners, the sum of $2,000. In 1819[17] the legislature granted them $5,000 more. In this year the fourth school of the Society was opened.[18] The Bethel Baptist Church, moved to emulation, secured a like permission in 1822[19] to apply their funds to "the instruction of schoolmasters, to the erection of buildings, and to all other needful purposes of a common school education, but to no other purpose whatever." Other churches prepared to follow suit. The Free School Society saw its funds and its attendance lessened by this development of Church schools and protested against the above mentioned privileges being granted. In the controversy which followed the Free School Society was accused of wishing to monopolize public funds while the churches were accused of using their schools as a means of proselyting and of getting an undue share of public funds by incorrect and misleading records of attendance.

[16] Laws of N. Y., 1817, Ch. 145, Previous appropriations by the city are given, p. 85.

[17] *Ibid.*, 1819, Ch. 65.

[18] Boese *op. cit.*, p. 101.

[19] Laws of N. Y., 1822, Ch. 24.

The matter was brought before the legislature in 1824 by the Free School Society which hoped to secure the passage of an act restricting the funds given to the church schools. Instead of assuming the responsibility of deciding the question the legislature passed on the responsibility to the city council by instructing it to designate the schools which were to receive money. It was provided[20] that "The institutions or schools which shall be entitled to receive the said school monies, shall from time to time, and once at least in three years, be designated by the corporation of the city of New York in common council convened, who shall also have power to prescribe the limitations and restrictions under which said monies shall be received by said institutions or schools, or any of them; and the ordinance of said corporation thus designating or restricting said institutions or schools, or any of them, shall be published in two or more of the public newspapers of said city; Provided, that no institution or school shall report to said commissioners any scholars but such as are proper objects of a gratuitous education." The proviso was evidently inspired by the charges of the Public School Society that the church schools had returned false or misleading lists of pupils. In 1825[21] an ordinance was unanimously adopted by the common council directing that the distribution be made to the Free School Society, the Mechanics' Society, the Orphan Asylum Society and to the trustees of the African School.

The same act of 1824 provided that instead of five commissioners appointed for the year the council should once in every three years thereafter appoint ten[22] of the inhabitants of said city, one from each ward of said city, to be commissioners of school money, and to hold their offices for three years. "Provided, That no person who, for the time being, shall be a trustee or officer of any society or charity school which shall receive of the said monies, shall be eligible to be appointed or allowed to act as a commissioner of school money in said city." It was further enacted that "The commissioners of school money shall apportion and pay the amount deposited to their credit, to the several institutions or schools which shall be by the ordinance of said corporation entitled to a portion of the school monies, and which shall have on their part complied with the requisitions of this act; and said apportionment

[20] *Ibid.*, 1824, Ch. 276.

[21] Boese, *op. cit.*, p. 106. Sixteen Church Schools were cut off from state support by this ordinance. The attendance at these schools in 1822 was 3077; at the four schools retained on the list 4462. *Ibid.*, p. 102.

[22] This number was increased with the increase in the number of wards; e.g., in 1826 (Ch. 117) it was increased to 12.

shall be made to each school according to the average number of children between the ages of four and fifteen years that shall have actually attended said school during the preceding year, and been taught therein free of expense to the scholars: Provided, that no school shall be entitled to a portion of said monies, which has not been kept at least nine months during the year. That it shall be the duty of said commissioners of school money, or a major part of them, to visit and examine said institutions or schools receiving said monies, twice at least in every year; and it shall be lawful for said commissioners to examine the books and registers, and to require such additional proof on oath or otherwise, as they in their discretion may deem proper, touching the subject matter of any report made by any society claiming a part of said monies, as to the number of scholars or the appropriation of monies before received, and generally as to any matters connected with the interests of the common school establishments in New York; and in case satisfactory proof shall not be produced by the first day of June in any year, the delinquent society shall forfeit every claim to any portion of the school monies for that year, and the monies claimed by said society shall remain in the hands of the commissioners of school money, and shall form a part of the school monies to be distributed in the succeeding year; Provided, that it shall be lawful for any society or school considering itself aggrieved by the discussion of the said commissioners to appeal therefrom to the acting superintendent of common schools and his decision thereon shall be final."

The reports to be made by the trustees were to comprise "the average number of scholars between the ages of four and fifteen years, which shall have been taught free of expense to said scholars, in their school or schools, during the year preceding the first of May, (which number shall be ascertained by adding to the number of children on the register at the commencement of each quarter, the number admitted during that quarter, and the total shall be considered the average for that quarter;) also the average number that has actually attended said school or schools during the year, to be obtained by the teachers keeping an exact account of the number of scholars present each and every school time (or half day;) which numbers being added together and divided by the whole number of school times in the year, shall be considered to give the average of attending scholars, and which average shall be sworn or affirmed to by the teacher or teachers; said report shall also state the time during which said school or schools have been kept during the year, and particularly the amount last received from

the commissioners of school money, and the purposes for, and manner in which the same shall have been expended; also a particular account of the state of the school or schools under their care, so as to exhibit a full and perfect statement of the property, funds, and affairs of said society or school."

The method of finding "the average of attending scholars" is of importance because this was the basis of the distribution of money, and one of the chief complaints of the Free School Society against the church schools had been that when, in accordance with the law of 1813, the money was apportioned on the basis of the number taught, these schools had secured an undue proportion of money by returning long lists of pupils who had spent little time in the schools, larger numbers than the schools could possibly accommodate. The important features of this law of 1824 are that church schools were cut off from public support while the Free School Society maintained its claim to an almost exclusive use of the public school funds for nearly twenty years; and that the principle of city inspection was adopted.

In 1826[23] an act was passed changing the name of the Society to the Public School Society, requiring a small fee from all pupils able to pay, increasing the number of trustees and reducing the amount necessary for membership in the corporation from $25 to $10. The text of the act so far as it relates to the payment of tuition is as follows: "That the said society shall hereafter be known by the name of the 'Public School Society of New York.' That it shall be the duty of said society to provide, so far as their means may extend, for the education of all children in the city of New York, not otherwise provided for, whether such children be or be not the proper objects of gratuitous education, and without regard to the religious sect or denomination to which such children or their parents may belong. That it shall be lawful for the trustees to require of the pupils received into the schools under their charge, a moderate compensation, adapted to the ability of the parents of such pupils, to be applied to the erection of schoolhouses, the payment of the teachers' salaries, and to the defraying of such other expenses as may be incident to the education of children: Provided, That such payment or compensation may be remitted by the trustees in all cases in which they shall deem it proper to do so. And provided further, That no child shall be denied the benefits of the said institution, merely on the grounds of inability to pay for the same, but shall at all times be freely received, and educated by the said trustees. That nothing

[23] Laws of N. Y., 1826, Ch. 25.

in this act contained, shall be construed to deprive the said society of any revenues, or of any rights to which they are now, or if this act had not been passed, would have been by law entitled; and that the receipts of small payments from the scholars shall not preclude the trustees from drawing from the common school fund for all the children educated by them."

The reason for these changes seems to have been not alone the perennial need of more money, but more than that, a desire to interest the whole public in the school and to enlist their co-operation. By decreasing the amount of money required for membership and by increasing the number of trustees the society hoped to gain more members and to give the people a larger representation in the management of the school. By charging tuition they hoped to remove the stigma of "charity school" and to secure the attendance of a large number of children who were habitually sent to private schools. Unfortunately for the society attendance fell off instead of increasing. In 1829[24] the trustees were authorized to mortgage any of their property and in the same year the legislature empowered the city government to levy a tax of one-eightieth of one per cent on real and personal property in addition to the required tax to be applied exclusively to the purposes of common schools.[25] This amount was increased in 1831 to three-eightieths of one per cent.[26] An attempt to separate the school connected with the poor house from the jurisdiction of the Public School Society was frustrated by the following act: "1. The commissioners of school money for the city of New York, are hereby authorized and directed to pay to the Public School Society of New York the sum of $2758.86 or such other sum as may have been retained by them in the payment or distribution of school moneys, on the ground that the school connected with the alms-house of the said city, and known as public school number six, was beyond the limits of the county of New York.

2. The said alms-house school shall be entitled of its share of school moneys in any apportionment thereof hereafter to be made by the said commissioners.

3. The trustees of the said Public School Society of the city of New York, are hereby authorized to take charge and superintend the management of the said alms-house school, as one of the public schools of the said city."[27]

[24] *Ibid.*, 1829, Ch. 4.
[25] *Ibid.*, Ch. 265.
[26] *Ibid.*, 1831, Ch. 119.
[27] *Ibid.*, 1835, Ch. 64.

The opposition to the Free School Society, by no means crushed by the success of that School in 1824, gradually increased until by 1840 there was again a vigorous attack upon it. The Roman Catholic element accused the schools of sectarian teaching, and then there was, moreover, a chorus of objections from various classes who felt that it was unfair to tax the people for a private corporation even though that corporation stood for the public good and membership was open to anyone who would pay a small fee.

Memorials were sent to the legislature in 1840 and 1841 for altering the existing system of common schools in the city of New York. Governor Seward recommended that the education of the city be placed in the hands of the people and a committee, appointed to consider this part of his message, made a similar recommendation following a searching criticism of the inefficiency of the Public School Society.[28] They quoted from the report of the superintendent that whereas 96/100 of the children in the state at large were in the public schools, only 60/100 of the children in New York City attended school, but that New York shared the state funds proportionately with the other counties on the basis of population and that besides this $60,000 was raised by the common council. After stating various arguments for and against the existing system the report continues, "The question is, whether the Public School Society has or has not failed to accomplish the great object of its establishment, the universal education of the children of the city of New York. That it has signally failed has been shown by the statistics of the schools; and there is moreover, uncontrovertible proof in the fact that nearly one-half the citizens of the metropolis protest against the system and demand its modification."

In 1842[29] an act was passed "to extend to the city and county of New York the provisions of the general act in relation to common schools." This was thirty years after the establishment of common schools in the state at large under the direct supervision of the people. By this act the management and organization of schools was put in the hands of the usual school officials, namely, inspectors, trustees and commissioners, who were to be elected by the people in each ward. The ward organizations were centralized by a board of education consisting of all the commissioners. Church schools, except that connected with the Roman Catholic Orphan Asylum, continued to be excluded from a share in the public funds but a considerable list of established schools

[28] Ass. Doc. 1842, V. 4, No. 60.

[29] Laws of N. Y., 1842, Ch. 150.

were accepted and treated as district schools namely:[30] "The schools of the Public School Society,[31] the New York Orphan Asylum School, the Roman Catholic Orphan Asylum School, the schools of the two Half Orphan Asylums, the school of the Mechanics' School Society, the Harlem School,[32] the Yorkville School, the Manhattanville Free School, the Hamilton Free School,[33] the Institution for the Blind, the school connected with the almshouse of the said city, and the school of the Association for the Benefit of Colored Orphans." It was further provided that "no school above mentioned or which shall be organized under this act, in which any religious sectarian doctrine or tenet shall be taught, included, or practiced, shall receive any portion of the school moneys to be distributed by this act."

The board of education was given supervisory power, control of the expenditure of money for building and sites, and the apportionment of state money among the districts. The commissioners individually were charged with the expenditure of the money assigned to their several districts. No explicit statement of the duties of the trustees is made but presumably they were expected to fulfil the usual duties in relation to new schools established. As to the schools already established they were to be "subject to the general jurisdiction of the said commissioners of the respective wards in which any of the said schools now are or hereafter may be located, subject to the direction of the board of education, but under the immediate government and management of their respective trustees, manager, and directors." One duty was charged upon all officers, to see that no sectarian religious teaching was allowed. To this end it was enacted that "It shall be the

[30] The school of the Society for the Reformation of Juvenile Delinquents and the school of the Mechanics' Institute were added to the list in 1847 (Chap. 252).

[31] The Public School Society was forbidden to establish new schools without the consent of the Board of Education by the laws of 1848, Ch. 71.

[32] The Harlem School, the Yorkville School and the Manhattanville Free School in the 12th Ward of the City were incorporated in 1827 as elementary schools. (Chs. 132, 144 and 149). These schools were endowed respectively with $2,500, $2,000, and $4,000, the proceeds of the sale of common lands which had been granted by certain patents in the year 1666 and set apart to Harlem when a dividing line was draw between that town and the then city of New York. These lands were authorized to be sold in 1820 (Ch. 115) and the proceeds distributed as follows: $3,000 to the Harlem Library, $3,500 to the Hamilton School; the above sums set apart until schools should be built in these districts; and the residue divided among the several religious congregations in proportion to the number of church members.

[33] This school conveyed its real estate to the city and became a ward school in 1850 (Ch. 101).

duty of the trustees, inspectors, and commissioners of schools in each ward, and of the deputy superintendent of schools, from time to time, and as frequently as need be, to ascertain, and report to the said board of education, whether any religious sectarian doctrine or tenet shall have been taught, inculcated, or practised in any of the schools in their respective wards."

Besides the state apportionment and the equal sum to be raised by a tax as heretofore, the supervisors were authorized to levy taxes for "a sum of money equal to one-twentieth of one per cent of the value of real and personal property in the said city liable to be assessed therein, to be applied exclusively to the support of common schools in said city; and such further sum as may be necessary for the support and benefit of common schools in said city and county." This was an increase of one-eightieth of one per cent over the sum set by the last preceding law. Each district retained the usual power and obligation of raising money "to purchase, or lease schoolhouses or to procure sites."

The provision for apportionment was that "It shall be made among the said several schools and districts, according to the average number of children over four and under sixteen years of age, who shall have actually attended such school the preceding year. But no such school shall be entitled to a portion of such moneys, that has not been kept open at least nine months in the year, or in which any religious sectarian doctrine or tenet shall have been taught, inculcated, or practised, or which shall refuse to permit the visits and examinations provided for by this act." So far as relates to the distribution of the common school monies, each of the accepted schools was considered as a district school of the city.

Free schools were insured by the provision that "all children between the ages of four and sixteen, residing in said city and county, shall be entitled to attend any of the common schools therein, and the parents, guardians, or other persons having the custody or care of such children, shall not be liable to any tax, assessment, or imposition for the tuition of any such children, other than is herein before provided."

This act was amended[34] the next year making some changes for the better working of the system such as that the term of office of the various officials should be so arranged that only one commissioner, one inspector and one trustee should go out of office each year; that the city chamberlain should receive the money from the state; that the supervisor might raise by a loan, in anticipation of the taxes, the money to be forthcoming;

[34] Laws of N. Y., 1843, Ch. 216.

that the money should be deposited in one of the incorporated banks of the city; that money apportioned to schools and not called for be returned to the chamberlain. To the schools before mentioned "the school of the Leake & Watts Orphan House" was added. The board of education was directed to make the usual report to the county clerk under penalty of forfeiting money from the state.

In 1844[35] another act was passed which contained several new features. The previous clause restricting religious teaching was included with this proviso; "But nothing herein contained shall authorize the board of education to exclude the Holy Scriptures without note or comment, or any selections therefrom, from any of the schools provided for by this act; but it shall not be competent for the said Board of Education to decide what version if any, of the Holy Scriptures without note or comment, or any selections therefrom, shall be used in any of the said schools; provided nothing herein contained shall be so construed as to violate the rights of conscience as secured by the constitution of this State and the United States." The duties of the officers and especially of the inspectors and trustees were more specifically stated. Inspectors were given power to certify teachers in regard to their moral character, learning and ability and to annul certificates when necessary. Inspectors and trustees were instructed to see that all schools in their ward were visited once a month and to report the results of their visits to the board of education. The duties of the trustees were: to have charge of the property in their respective wards; to employ the teachers and to pay the wages and other school expenses; to make an annual report to the board of education recounting the length of the school year, the whole number of scholars between four and sixteen, the average attendance, the amount of money received and such other information as might be required. The board of supervisors took the place of the county superintendent with the usual duties of such office, namely general supervision, inspection and care of the schools and the granting of county certificates to teachers. The Public School Society, in 1853, surrendered all its property to the city. This action terminated the long struggle over the control of common school education in the city.

In 1847 the board of education was authorized to establish free evening schools for apprentices unable to attend day schools and to levy a tax for not more than $6,000 for this purpose.[36] This bill was

[35] *Ibid.*, 1844, Ch. 320.

[36] *Ibid.*, 1847, Ch. 74.

repealed and a substitute bill[37] more specific in details was passed in the following year by which it was provided that the board of education "organize and establish evening schools for the education and instruction of apprentices and others whose ages or vocations are such as prevent their attending the day schools in such of the ward school houses or other buildings now used for public school purposes and in such other places in said city, as they may from time to time deem expedient, and to adopt all the necessary rules and regulations for the control." These schools were free and under the supervision and control of the same officers as the regular day schools.

The first move toward public secondary education in the city was taken in 1847[38] when the board of education was authorized to establish a free academy "for the purpose of extending the benefits of education gratuitously to persons who have been pupils in the common schools of the city and county of New York." It was provided that this school should be under the control of the board of education of the city but eligible to its proportional share of the money distributed by the regents to whom an annual report was to be made. The board of education was authorized to spend not more than $50,000 for a building and not more than $20,000 annually for the support of the school which money should be raised by taxation in the usual manner. This academy did not, as might have been expected, become the first of the public high schools but was transformed in 1866 into the College of the City of New York.

Legislation for other Cities

Legislation in the interest of other cities in the state may be divided into two classes; first, that which concerned the establishment and maintenance of elementary schools which were under private control yet were eligible for a share of the state funds; second, that legislation which attempted to counteract the most obvious evils of the district system by making it possible for several districts to unite in the support of one school or by centralizing the control of all the schools of a community in the hands of a representative board. Legislation of the first type was enacted for the most part before 1819; that of the second, chiefly after 1830. There are obvious reasons for this division in time. The task of building an efficient common school system was a slow one. As late as 1820 the school system was still in a formative state. In many places the people supported it none too cordially, the financial

[37] *Ibid.*, 1848, Ch. 128.

[38] *Ibid.*, 1847, Ch. 206.

backing was inadequate and the teachers were ill equipped. But after 1814 each town was required by law to bear its share of taxation for the support of schools and, however lukewarm the sentiment toward public control and support of education may have been, there was a natural desire on the part of each community to get back its money. The custom of establishing and maintaining schools by means of an incorporated body of interested citizens had already been made familiar by the founding of academies. The obvious course, then, for furthering elementary education in the more progressive towns was to make some use of established institutions or to adopt similar methods of founding elementary schools and at the same time to make them eligible to receive the community's share of the public funds. No elementary school of such composite character seems to have been established after 1830. By that time more public money was available for school support and the school system had justified its existence. The period from 1820 to 1850 has already been spoken of as a time of unusual city growth. It was during the latter half of this period in these cities that the centralization of power was brought about by the creation of boards of education and the appointment of city superintendents.

By the school act of 1812[39] Albany's share of the public funds was assigned to the recently organized Albany Lancaster School Society[40] on condition that instruction be given gratuitously to all the poor who should apply. The law further directed that the smaller cities of Hudson and Schenectady be treated as towns, the city clerks being authorized to call a meeting for the election of school commissioners at the request of any six free-holders. In the revised act of 1814[41] there was an attempt to adapt the district system to the growing cities by providing that each ward of Hudson and Schenectady, instead of the city as a whole, be considered a town in the organization of the schools. Before 1819, several acts had been passed making special provision for several individdual cities or villages and the revised school act of this year specified[42] that nothing in the act should be interpreted to render such provisions invalid.

[39] Laws of N. Y., 1812, Ch. 242, Sec. 18.

[40] Incorporated *Ibid.*, 1812, Ch. 55. Several Lancaster Schools were established in the State and were so called because they adopted the monitorial system of Lancaster & Bell much in vogue in the early 19th century. The other schools are mentioned later. v. also Chap. III, p. 51 and note 70.

[41] Laws of N. Y., 1814, Ch. 192, Sec. 27.

[42] *Ibid.*, 1819, Ch. 167, Sec. 37.

In 1814[43] the trustees of Erasmus Hall which had been incorporated in 1787, were authorized to receive the share of the public funds appropriated to that part of Flatbush known as "Old Town" on condition that the money be applied to the gratuitous education of poor children. The trustees of Montgomery Academy in Orange Co., offered to provide suitable rooms for the common school provided they were made trustees of the district school. An act was accordingly passed,[44] subject to the consent of a majority of the taxable inhabitants, to the intent that the said trustees be invested with the powers and obligations of district trustees for the said district and that they be required to account to the commissioners of schools for the proper application of the public money. The trustees of Farmer's Hall (Orange Co.) and of Oyster Bay academies, in like manner were made district trustees for a term of six years, subject to renewal for a similar term by a vote of a majority of the taxable inhabitants.[45] It is noteworthy that in each of these last three cases the concession was subject to ratification by the inhabitants of the towns concerned.

In the case of Montgomery Academy the evident intention was to provide separate rooms for the common school and for the academy, thus implying a difference of grading. In the other cases the academy apparently was identical with the common school, a commentary on the low standards of the academies which is borne out by other testimony. In the town of Flushing the monies apportioned to school district number five were granted to the managers of a free school, which was kept "principally for the gratuitous instruction of poor children," so long as no school should be established in the said district in conformity with the law for establishing common schools.[46] The only condition of this grant was that the managers of the said association should certify annually that the money had been spent for the instruction of indigent children.

Besides the Lancaster School Society at Albany, already mentioned, Lancaster or monitorial school societies were incorporated at Poughkeepsie, Schenectady, Catskill, Hudson, and Lansingburgh, with power to

[43] *Ibid.*, 1814, Ch. 79. This arrangement continued for many years. In 1844 (Ch. 234) it was made binding as long as there should be no district school in that locality distinct from the academy.

[44] *Ibid.*, 1815, Ch. 90. This act continued in force until 1835 when it was repealed (*Ibid.*, 1835, Ch. 138).

[45] *Ibid.*, 1822, Ch. 197 and 1823, Ch. 150.

[46] *Ibid.*, 1818, Ch. 128.

establish one or more schools for the diffusion of elementary education.[47] They are to be distinguished from the academies which, in theory, always included in their curriculum instruction in Latin and Greek. The full control of these schools was in the hands of their trustees usually thirteen in number. At Schenectady and Lansingburgh the trustees were elected by the freeholders; at Hudson, three were appointed by the common council and ten were elected by the corporation; at Albany, Catskill and Poughkeepsie, they were all elected by the corporation. Membership was in every case open to anyone who contributed as much as five dollars to the support of the school.[48] In Albany and Hudson the mayor, recorder, aldermen and assistants of the city were ex-officio members of the corporation thus assuring to the city at large some representation.

Each of these schools was authorized by its charter to receive the share of school funds legally due that city, or section of a city, in which it was established. Except in the case of the Albany school, already cited, no specifications were made as to the way in which the money should be spent, but in every case a report was required to be made either to the school commissioners, the city council or the corporation, certifying that the funds had been properly expended. Besides a share of the stated school money some of these schools received special allowances from their respective cities. The charter of the Albany Lancaster school authorized it to receive from the city $500 annually out of the excise duties on liquors. In 1820[49] the city was authorized by the legislature to sell by a lottery the public lands in order to discharge the indebtedness incurred "in the erection of an academy,[50] a Lancaster school and in various other public improvements."

The income derived from the duty on strong liquors and tavern licenses in the City of Hudson was devoted to the Lancaster School of that city.[51] In 1835[52] the common council of Hudson was required to raise $400 by tax on the freeholders and inhabitants of the "compact

[47] Poughkeepsie, *Ibid.*, 1814, Ch. 42; Schenectady, *Ibid.*, 1816, Ch. 12; Catskill, *Ibid.*, 1817, Ch. 81; Hudson, *Ibid.*, 1817, Ch. 272; Lansingburgh, *Ibid.*, 1827, Ch. 271.

[48] The payment of from $15 to $50 not only accorded membership but conferred the privilege of keeping one child in school gratuitously during the life of the donor.

[49] Laws of N. Y., 1820, Ch. 232.

[50] This academy was incorporated by the regents in 1813. I have found no other indication of support given it by the city.

[51] Laws of N. Y., 1812 Ch. 272.

[52] *Ibid.*, 1835 Ch. 270. This act was repealed in 1841 (Ch. 350) and the city schools reorganized under the state law.

part of the city" which sum was to be paid to the trustees of said school. The treasurer of Renssalaer County was required to pay to the trustees of the Lansingburgh Monitorial School the money accruing from licenses to vendors of lottery tickets in that village.[53]

In several instances, during the early years of the common school system, the public funds were designated by special act to be used only for the poor, a provision which indicates how slowly the sentiment in favor of a really democratic educational system developed. In Utica, for example, the public funds were used to establish a free school exclusively for poor children.[54] The public funds falling to Athens and Hudson were used, under an act of 1814, for the education of poor children but this section was repealed in 1817.[55]

All these schools received some share of the public funds and furthered the cause of elementary education, therein they resembled the district school established under the state law. They differed from them in that, though receiving public support, they were not under public control, but under the control of a corporation which might or might not include official representatives of the city or village government. The town had no power of inspection and the teachers, appointed by the trustees of the school, were not required to hold certificates. Most of these Lancaster schools were finally absorbed into the common school system.[56]

Besides these Lancaster schools five high schools[57] were established the exact character of which it is difficult to determine. Their charters and the data or lack of data in the regents' reports seem to indicate

[53] *Ibid.*, 1828, Ch. 158. This act was repealed in 1841 (Ch. 315) and the schools reorganized under the state law.

[54] *Ibid.*, 1817, Ch. 192. This action may be explicable on the ground that both Utica and Whitesboro, an adjoining village, had academies established in 1814 and 1816 respectively where the children of the well-to-do were quite likely taken care of. But if this is the true explanation it casts an unfavorable light on the character of academies. It is of course possible that there were adequate private elementary schools of which we have no record.

[55] *Ibid.*, 1814, Ch. 194 and 1817, Ch. 322.

[56] Lansingburgh: Act of incorporation repealed in 1827 (Ch. 315). Property vested in Dist. No. 1 of the town. Catskill: Act of incorporation repealed in 1830 (Ch. 284). Hudson: Support withdrawn 1841 (Ch. 350). Poughkeepsie: Made a district school in 1843. (Ch. 211). Albany: Made a part of the Common School system in 1830 (Ch. 240). Schenectady: Treated as a part of the city system in Chap. 324 of Laws of 1829.

[57] Rochester High School 1827, Ch. 70; Warren Co. High School 1826, Ch. 226; Newburgh High School 1829, Ch. 234; Ontario High School 1830, Ch. 113; Clyde

that they were elementary schools but that they were generally established with a view to serving a larger area than that ordinarily included in a single district. They differed from the schools just mentioned in that they were directly under the administration of the common school officers and were not controlled by a private corporation.

The first legislative action in the interests of centralization of educational administration was taken in behalf of the city of Troy in 1816.[58] In the articles of incorporation of the city it was provided that the first four wards of the city be made one school district not subject to alteration by the commissioners, that thirteen trustees be appointed annually "by the mayor, recorder, aldermen, and commonalty to manage the concerns of the schools," and that the inhabitants of the said wards should not elect trustees under the act for the establishment of schools but that the duties of trustees and inspectors should be performed by the trustees appointed as aforesaid. It was further provided that one commissioner and three inspectors be elected in each ward. Why three inspectors should be elected if the trustees were to perform their duties is not apparent. The aldermen of the fifth and sixth wards were not entitled to vote on any questions relating to the said school and the inference is that if schools were established in these wards they continued under the usual arrangements.

Although this was the only act of consolidation passed during the early period, practically the same result was attained in the cities where Lancaster schools were established. In Schenectady the Lancaster school provided for the "compact part of the first and second wards," the remaining parts of these wards being formed into one district.[59] Until 1841 there was only one district in the "compact part" of the city of Hudson and for this district the Hudson Lancaster Schools provided. In 1820 and 1826 provision was made for dividing the public money between this school and those of the outlying districts.[60] Similarly a part of the village of Catskill[61] in which the Lancaster School was situated

High School 1834, Ch. 175. The Rochester High School is called an Elementary School in its charter but it later became an academy (v. App. A, p. 184). There were other high schools established but they were private foundations in every way like the academies and are given under the list of academies Appendix A. They are as follows: High School of New York, (App. A, p. 184), Livingson Co. H. S. (p. 185), Preble H. S. (p. 187), Gouveneur H. S. (p. 185), Palmyra H. S. (185).

[58] Laws of N. Y., 1816, Ch. 131, sections 40-47.

[59] *Ibid.*, 1817, Ch. 12, Sec. 2.

[60] *Ibid.*, 1820, Ch. 171 and 1826, Ch. 115.

[61] *Ibid.*, 1817, Ch. 87.

and the whole village of Poughkeepsie[62] were made permanent school districts not subject to division by the school commissioners. Subsequently the legislature provided that the villages of Syracuse, Lockport and Cohoes be maintained in the same way as single school districts.[63]

Betwen 1830 and 1850 nine cities, beside New York, and five villages secured the enactment of legislation which placed the administration of their respective schools partially or wholly in the hands of a board of education. The composition and powers of such boards varied widely not only in different towns but in a given town at different times. They were sometimes appointed and sometimes elected. They sometimes performed the duties of commissioners and inspectors, sometimes of trustees and inspectors, sometimes those of trustees only and again the duties of all three. In several cities the common council was ex-officio the board of comissioners and as such appointed the board of education. The tendency at the close of the period was toward an appointed board which should have full control of school management including the preparation of a budget upon which the common council passed judgment and in accordance with which the school tax was levied. In several cities after 1835 a superintendent was appointed who acted as agent for the commissioners and usually performed the duties of inspectors and part of those of trustees. This variety of procedure is illustrated by the following acts relative to individual cities.

An act relative to schools in the city of Albany was passed in 1830[64] which provided that one commissioner and one inspector be elected in each ward annually; that the commissioners so elected form a board which should appoint three trustess for each district, regulate the districts, and apportion the school money among the trustees of the Lancaster school and the trustees of the several districts. The trustees so appointed were charged with the usual duties of district trustees. This law made use of the usual officials, and did not alter their powers but lessened the number of inspectors and made the office of trustee appointive instead of elective. In 1844[65] the offices of inspector, commissioner and trustees were abolished and the control of the schools was put into the hands of a board of nine commissioners appointed by the mayor, the recorder and the regents of the University residing in the city. This board was charged with all the duties usually performed

[62] *Ibid.*, 1814, Ch. 42.

[63] Syracuse, *Ibid.*, 1832, Ch. 203. Lockport, 1847, Ch. 51. Cohoes, 1850, Ch. 341.

[64] *Ibid.*, 1830, Ch. 240.

[65] *Ibid.*, 1844, Ch. 128.

by commissioners, inspectors and trustees. Each member held office for three years, three new members being elected yearly.

The city of Rochester tried several experiments of school organization. In 1834[66] the common council was made a board of commissioners of common schools with power to perform the usual duties of that office and also to appoint from five to twelve inspectors. The duties of trustees were transferred to this board in 1840.[67] The next year[68] this action was reversed and the district trustees restored. By this act two commissioners were to be elected annually in each ward, who were to form the board of education and appoint a city superintendent who apparently was to perform the duties of inspectors although this is not specifically stated. An amendment to this act,[69] provided that the board of commissioners perform the duties of town superintendent and the city superintendent, those of county superintendent. The office of trustees was again abolished in 1845[70] and the duties transferred to the board of education. In 1848[71] the office of city superintendent was declared elective. A revised act of 1850[72] reaffirmed this organization leaving the control of schools in the hands of the board of education and the superintendent.

Power was given to the city council of Brooklyn in 1835[73] to appoint three trustees for each district, and three inspectors and three commissioners for the whole city. In 1843[74] the common council was made a board of commissioners with power to appoint "two or more discreet and suitable persons" to represent each district, which officers, together with the mayor and deputy superintendent for King's county, should constitute a board with all the powers and duties of trustees. This board was empowered[75] to appoint a superintendent at a yearly salary of not more than $1,000. The duties of the superintendent were: To act as secretary to the board of education, to visit and superintend the schools, to examine teachers and to grant certificates good for one year only, and to make an annual report. The personnel of the board of

[66] *Ibid.*, 1834, Ch. 199.
[67] *Ibid.*, 1840, Ch. 373.
[68] *Ibid.*, 1841, Ch. 208.
[69] *Ibid.*, 1844, Ch. 145.
[70] *Ibid.*, 1845. Ch. 118.
[71] *Ibid.*, 1848, Ch. 174.
[72] *Ibid.*, 1850, Ch. 262.
[73] *Ibid.*, 1835, Ch. 129.
[74] *Ibid.*, 1843, Ch. 63.
[75] *Ibid.*, 1848, Ch. 47.

education was changed in 1849[76] to three persons from each ward; in 1850[77] to thirty-three persons resident in the city, one of whom, at least, should reside in each school district.

The duties of commissioners of common schools were transferred to the common council of Buffalo in 1837[78] and the duties of inspectors and trustees to a superintendent to be appointed by the council. The office of trustee was restored in 1838[79] only one being elected in each district and his power being restricted to calling meetings, visiting the school and exempting indigent persons from paying rates. The making out of the rate bill and the responsibility of building and repairing school houses were vested in the council and the hiring of teachers in the superintendent. This organization was reaffirmed in a revised act of 1843.[80]

In Hudson the common council appointed a board of "three superintendents," each one to hold office for three years, the board to perform the duties of inspectors and trustees.[81]

The schools of the city of Utica were under the direction of six men called the commissioners of common schools, two of whom were elected annually for a term of three years. They seem to have performed the duties of commissioners, inspectors and trustees.[82] In 1850 they were authorized to appoint a superintendent to perform such duties as they should require of him at such salary as they should determine.[83]

The common schools of Syracuse, in 1848[84], were put under the control of a board of education, appointed by the common council, two members from each ward, each to hold office for two years. This board was required to determine the amount of money which should be raised annually, and to have "in all respects the superintendence, supervision and management of the common schools." The common council was required to levy the tax required and to pass such regulations as the board should consider necessary for the well being of the schools.

The school board of the city of Troy, organized in 1849[85] and having similar powers as in Syracuse, was elective instead of appointive, one

[76] *Ibid.*, 1849, Ch. 47.
[77] *Ibid.*, 1850, Ch. 143.
[78] *Ibid.*, 1837, Ch. 392.
[79] *Ibid.*, 1838, Ch. 63.
[80] *Ibid.*, 1843, Ch. 132.
[81] *Ibid.*, 1841, Ch. 350.
[82] *Ibid.*, 1842, Ch. 137.
[83] *Ibid.*, 1850, Ch. 66.
[84] *Ibid.*, 1848, Ch. 238.
[85] *Ibid.*, 1849, Ch. 198.

member being elected in the fifth, sixth, and eighth wards and two members in each of the other five wards.

The members of the common council of the city of Auburn were made the commissioners of common schools in 1848.[86] Two years later by an act relative to the free schools of the city of Auburn, a board of education was created which was to consist of one commissioner from each ward of the city appointed by the common council; one trustee from each district elected by the inhabitants; the superintendent, appointed by the common council; and the mayor of the city. The superintendent was required to perform all the duties of town superintendents except the regulation of school districts, and to act as clerk of the school board.[87] The villages of Lockport, Flushing, Medina, Newtown and Cohoes, organized their schools in a similar manner.[88] The board of education of Lockport consisted of one trustee from each primary district and five from the union school district. In the village of Medina, which comprised only one school district, the three trustees, elected according to the usual law, were organized as a board of education. In Cohoes two trustees from each district made up the school board. In Flushing and New Town the board of education consisted of five trustees who had the "superintendence, supervision and management of the common schools."

In the legislation for cities may be seen some attempts to introduce the principle of grading; to bring about the use of uniform text books and to furnish them to poor children free of expense; and to regulate the school year. It was in the cities that separate schools were first established for colored children, and that evening schools were first opened. The expenses of the city schools were inevitably larger and considerable sums were appropriated beyond what was required by law.

The first movement toward definite grading of pupils appeared in the legislation for Buffalo in 1838, when the common council, in its capacity as school commissioners, was authorized to divide the district schools of the city into "higher and lower departments and to prescribe regulations for the transfer of scholars from one department to the other."[89] The same regulation was passed for Hudson three years later[90] and for Medina in 1849[91]. The board of education of Pough-

[86] *Ibid.*, 1848, Ch. 106.

[87] *Ibid.*, 1850, Ch. 349.

[88] Lockport, *ibid.*, 1847, Ch. 51; Flushing, *Ibid.*, 1848, Ch. 81; Medina, 1849, Ch. 286; Newtown, *ibid.*, 1850, Ch. 60; Cohoes *ibid.*, 1850, Ch. 34.

[89] *Ibid.*, 1838, Ch. 63, Sec. 16.

[90] *Ibid.*, 1841, Ch. 380, Sec. 1.

[91] *Ibid.*, 1849, Ch. 286, Sec. 12.

keepsie was required to provide one school house of two rooms to accommodate 125 pupils each and five other rooms for primary schools.[92] An act relative to schools in Lockport[93] provided for seven "primary" districts, the schools in which shall be used as preparatory schools for the instruction of pupils until they arrive at a certain age and attain a certain proficiency in learning, who shall then be transferred upon proper testimonials into the Union School," in which were to be taught only the higher branches of education. The board of education of Rochester was authorized in 1845 to establish one or more high schools and to make regulation for the admittance and attendance of pupils provided the action was first submitted to the people and approved by them.[94]

The question of uniform text books which had been discussed by state superintendents[95] but on which no action had been taken for the state as a whole, was attacked by some cities. The board of education in Medina and Auburn were authorized[96] to "regulate" the text books; in Hudson and Albany, they were instructed[97] "to select and introduce uniform text books." Free text books were provided for poor children in Troy and Albany.[98]

The length of the school year in Albany was set at nine months in the center of the city and four in the outlying districts.[99] In Buffalo six months was the maximum.[100] Each term in Utica was eleven weeks but the number of terms is not specified.[101] The state reports, however, indicate that at this time there was usually a winter and a summer term. The board of education of Rochester was instructed to see that the terms were of equal length in all the schools of the city that all children might enjoy equal educational advantages.[102]

[92] *Ibid.*, 1843, Ch. 211.

[93] *Ibid.*, 1847, Ch. 51.

[94] *Ibid.*, 1845, Ch. 118, Sec. 9. The Rochester High School incorporated in 1827, became Rochester Collegiate Institute in 1839, see App. A, p. 184.

[95] v. for example, Ass. Doc. 1830. No. 431, in which the superintendent deplores the multiplicity of text books used but expresses his opinion that to designate uniform text books would be injurious to the cause of education.

[96] Medina, Laws of N. Y., 1849, Ch. 286; Auburn, *ibid.*, 1850, Ch. 349.

[97] Hudson, *ibid.*, 1841, Ch. 350; Albany, *ibid.*, 1844, Ch. 128.

[98] Troy *ibid.*, 1848, Ch. 198; Albany *ibid.*, 1844, Ch. 128.

[99] *Ibid.*, 1830, Ch. 240.

[100] *Ibid.*, 1838, Ch. 63.

[101] *Ibid.*, 1844, Ch. 131.

[102] *Ibid.*, 1844, Ch. 178.

Rochester was the first city to provide separate schools for colored children under the common school system although charity schools had been established for them earlier in New York[103], Albany[104] and Schenectady.[105] The commissioners of Monroe county were authorized[106] to cause the children of color in the village of Rochester to be taught in one or more separate schools which should receive their distributive share of the school money and of which the said commissioners should act as trustees. Similar acts were passed relative to nine other cities before 1850.[107] A society for the promotion of the education of colored children was incorporated in New York City in 1847[108] with power to establish schools which should be subject to the board of education and which should participate proportionately in the school funds.

The first act for establishing evening schools was passed in 1829[109] and provided that the trustees for two districts in Kinderhook, Columbia county, should provide evening schools for the children who worked in the cotton factories in these districts and that they should apply to the payment of the teachers, a share of the public money proportionate to the number of children working in the factories. A similar act was passed for the benefit of Ballston and Milton in Saratoga county in 1848.[110] This bill stated that the school should not continue longer than two terms of thirteen weeks each and that the sum levied on the parents, over and above the public money should not exceed fifty cents per term for each child. The evening schools established in New York in 1847 have been referred to. The Brooklyn board of education was authorized to establish such evening schools as should from time to time be deemed necessary and that no person should be excluded from them on account of age.[111]

The growing cities found the required town tax, namely an amount equal to that apportioned by the state, inadequate to their needs. Most

[103] Under the Society for the Manumission of Slaves, Incor. 1808, Ch. 19. See Chap. V, p. 83.

[104] Laws of N. Y., 1816, Ch. 87.

[105] *Ibid.*, 1829, Ch. 182.

[106] *Ibid.*, 1832, Ch. 136 also in acts of 1841, Ch. 208 and 1844, Ch. 145.

[107] Newburgh 1835, Ch. 144; Hudson 1839, Ch. 63; Buffalo 1839, Ch. 24; Poughkeepsie, 1813, Ch. 215; Brooklyn 1845, Ch. 306; Lockport 1847, Ch. 51; Flushing 1848, Ch. 81; Newtown 1850, Ch. 60; Auburn 1850, Ch. 349.

[108] *Ibid.*, 1847, Ch. 425.

[109] *Ibid.*, 1829, Ch. 284.

[110] *Ibid.*, 1848, Ch. 228.

[111] *Ibid.*, 1849, Ch. 47, Title VIII, Sec. 4.

of the cities were authorized to raise from two to six times that amount.[112] In 1835[113] the common council of Brooklyn was authorized to raise not more than $800 per district in excess of the required amount. In 1843 this was changed to not more than one-fourth of one mill on each dollar of taxable property[114] and was gradually increased up to two-thirds of one mill in 1848.[115] In 1850 the stipulation was made that the city raise not less than $1.25 or more than $1.75 for each child between five and sixteen years of age.[116] Utica was authorized to raise not more than $3,000 yearly for sites, buildings, fuel and contingent expenses.[117]

An increasing amount of money was also spent on buildings. For an ordinary district school building $400 seems to have been considered sufficient.[118] For a city school $5,000 came to be a normal expenditure. Hudson[119] and Medina[120] were allowed to borrow $5,000 each from the school fund for building purposes the same to be repaid by taxation. Rochester was allowed to raise $3,000 for repairs and $3,500 for buildings annually.[121] The school act of Troy[122] stated that not more than $5,000 should be spent annually for purchasing sites and for building and repairing schoolhouses.

The movement for free schools began almost at the close of this period. The first city to make the schools free to all children was Buffalo. The following statement was incorporated in an amendment to the city charter in 1839.[123] "All the district schools organized within the city of Buffalo, shall be public and free to all children residing within said district, under the age of sixteen years; and the com-

[112] Hudson was permitted to raise three times the state apportionment (*Ibid.*, 1841, Ch. 350); Buffalo and Troy not less than twice or more than four times the amount (*Ibid.*, 1838, Ch. 63 and 1849, Ch. 198); Utica, not more than twice the sum (*Ibid.*, 1850, Ch. 66); Poughkeepsie not more than four times (*Ibid.*, 1843, Ch. 211); Rochester not more than six times the apportionment plus $300 for contingent expenses (*Ibid.*, 1841, Ch. 208).

[113] *Ibid.*, 1835, Ch. 129.

[114] *Ibid.*, 1843, Ch. 63.

[115] *Ibid.*, 1848, Ch. 190 v. also *Ibid.*, 1844, Ch. 329. 3/8 of a mill and 1845 Ch. 306 1/2 of a mill.

[116] *Ibid.*, 1850, Ch. 143. v. also *Ibid*, 1849, Ch. 47 $1-$1.50.

[117] *Ibid.*, 1842 ,Ch .137.

[118] *Ibid.*, 1819, Ch. 161.

[119] *Ibid.*, 1841, Ch. 350.

[120] *Ibid.*, 1849, Ch. 286.

[121] *Ibid.*, 1850, Ch. 262.

[122] *Ibid.*, 1849, Ch. 198.

[123] *Ibid.*, 1839, Ch. 24. This was reaffirmed in 1843, Ch. 157.

mon council of said city are hereby authorized to assess, levy and collect a tax upon the real and personal property of said city, sufficient to pay the expenses of such schools, after the public money which may be appropriated shall have been expended, and the schoolhouses are built and furnished by the several districts." Separate schools, also free, were established for colored children. Provision for free schools in the City of New York was made in 1842, for Poughkeepsie in 1843, or Troy in 1849 and for Auburn, Cohoes and Rochester in 1850[124]. Acts relative to Bushwick, Lansingburgh, Flushing and Newtown were also passed in the titles of which the term "free school" was used.[125] The acts state only that the money to be raised in the district shall be used "for the purchase of furniture, apparatus, books and contingent expenses;" no mention is made of teachers' salaries, nor is there an explicit statement, as in other acts referred to, that the schools are free to all children of the district.

The reports of the Superintendent for 1847 and 1849, however, show that the movement for free schools was wider than these acts indicate. In 1847[126] he states that "In New York, Brooklyn, Rochester, and Buffalo schools are free and charges for their support and for the erection and repairing of schoolhouses exceeding the annual appropriation are met by a tax on real and personal property." In 1849[127] the following communities are listed as having established free schools: New York, Buffalo, Brooklyn, Syracuse, Rochester, Lansingburgh, Williamsburgh, Poughkeepsie, Flushing, Newtown, Bushwick. The Superintendent further states that these towns comprise one-fifth the entire population of the state. A review of the legislation for cities makes it clear that the district system as adopted in the state law was not adequate to large communities and also that the cities worked out their problems individually without much reference to a unified state system. In the variations which appear in the duties of the board of education and the superintendent may be seen the same lack of definiteness which we observe today in the relations of these officials to each other and to the state.[128]

[124] New York, *Ibid.*, 1842, Ch. 150 v. ante, p. 95; Poughkeepsie *Ibid.*, 1843, Ch. 211; Troy *Ibid.*, 1849, Ch. 198; Auburn *Ibid.*, 1850, Ch. 349; Cohoes *Ibid.*, 1850, Ch. 341; Rochester *Ibid.*, 1850, Ch. 32.

[125] Bushwick *Ibid.*, 1847, Ch. 311; Lansingburg *Ibid.*, 1847, Ch. 336; Flushing *Ibid.*, 1848, Ch. 81; Newtown *Ibid.*, 1848, Ch. 137.

[126] Rept. of Supt. 1847, p. 14.

[127] Rept. of Supt. 1849, p. 44 (Ass. Doc. No. 20).

[128] See pamphlet, New Hampshire State Department, Head-Masters' Manual, for an attempt to define clearly the status of the various school officials and their relation to the state department.

CHAPTER VI

Support of Education

Origin and Growth of School Funds

The State of New York established two funds for the encouragement of education; the common school fund, the object of which the title conveys, and the literature fund appropriated for the exclusive use of academies under the control of the regents. The United States deposit fund, which became available in 1836, was used for common schools, academies and colleges according to legislative appropriations. In addition to these funds which were under the control of the state, there were many town funds devoted to the support of common schools.

Both the common school and the literature funds as well as most of the town funds had their origin in the sale of unappropriated lands set apart by the state for this purpose. That the appropriation of state land for educational purposes was not unknown in England, that it occurred in the various colonies though especially characteristic of New England, and that the same policy was followed both by state and national governments after the Revolution has been clearly established.[1] This procedure on the part of New York was in accord, therefore, with an already well recognized principle although, as a colony, New York had apparently made no such grants.[2]

The basis of distribution of these funds and the requirements which had to be met to secure a share of the money are so inextricably interwoven with the development of the school system that they will be discussed in that connection; the origin and the growth of the funds, however, can best be treated in a separate section.

Common School Fund

During the legislative session of 1801 a law was passed "For the encouragement of literature"[3] whereby it was enacted that "for the

[1] Schafer. The Origin of the System of Land Grants for Education. In Bull. of U. of Wis. Hist. Series Vol. 1, No. 1.

[2] Neither Clews, (Educational Legislation in the Colonies) nor Schafer give any evidence of such grants being made by New York before the Revolutionary war.

[3] Laws of New York, 1801, Ch. 126.

promotion of literature within this state there shall be raised by four successive lotteries $100,000, or $25,000 by each lottery. . . . and that . . . the managers . . . after the drawing of each lottery shall pay out of the net amount or avails thereof the sum of $12,500 to the regents of the university for the purpose of being distributed by them among such and so many of the academies as are now or hereafter may be selected in the state in such proportions and to be appropriated in such manner as they shall judge most beneficial for the academies and most advantageous to literature, and the residue into the treasury of this state, and this money shall be applied in such manner for the encouragement of common schools as the legislature may from time to time direct." In 1803[4] the comptroller was authorized to invest sums received for use of schools[5] and also the proceeds of lotteries received under the above act "for the encouragement of literature." A committee of the senate reported in 1810[6] that because of the defalcation of the managers of the lotteries only $37,500 was received from this source for the use of common schools. This money was invested according to the directions of the legislature. This was the beginning of the common school fund although the first act which avowedly contemplated a permanent fund was not passed until 1805.

Governor Lewis, who had already urged the demands of education upon the attention of the legislature, in his annual message at the second meeting of the session sent a special message[7] to that body relative to establishing and distributing "an adequate, permanent, and certain fund" for educational purposes. He advocated using 1,500,000 of acres of unappropriated lands which the state still possessed reckoning that they should yield $11,000,000 which would give an annual income of $60,000. His plan was that this money be spent for common schools and colleges. A joint committee was appointed to consider this message and report a bill. The bill as reported and passed dealt much less generously with the school fund than the governor had suggested, appropriated the whole amount to common schools, and left the matter

[4] *Ibid.*, 1803, Ch. 103.

[5] I have been unable to find out what money this refers to. The only previous provision for raising money for common schools was made in connection with the common school act of 1795. Since not all of the counties called for their share of the money then appropriated, it is possible that these words have reference to that unexpended balance.

[6] Senate Journ. 33rd Sess., 1810, p. 113, v. Chap. ii, p. 29 and note 39.

[7] Governor's Message 1805, Feb. 4.

of distribution to later action of the legislature.[8] It was enacted that "the net proceeds from 500,000 acres of the vacant . . . lands . . . which shall be first sold by the surveyor-general after the passing of this act shall be appropriated as a permanent fund for the support of common schools." The comptroller was authorized to loan to persons or corporations for literary purposes both principal and interest at five per cent until the whole interest should amount to $50,000, after which the interest annually arising should be distributed and applied for the support of common schools in such manner as the legislature should direct.

The fund thus established was increased from time to time. In 1807[9] provision was made that the interest arising from the stock held by the state in the Merchant's Bank of New York City, and the interest from the above mentioned lotteries, be invested in the capital stock of the said bank and that the stock thus acquired and the resulting dividends be appropriated for the use and encouragement of common schools.

In 1810 Governor Tompkins[10] called the attention of the legislature to the importance of deciding whether the school fund, which was said to yield $25,000 annually, should be augmented and how it should be applied. A committee of the assembly appointed to investigate the fund, after referring to the sources of the fund as provided in the acts of 1801 and 1805, reported[11] that the comptroller had loaned altogether $114,600 of which only $70,752 had been returned and that interest was due to the amount of $4,000. They referred to loose methods in the comptroller's office and recommended more stringent measures for the care of the fund. The recommendations of the committee were embodied in an act[12] "to render the fund for the support of schools more productive," whereby some new provisions were made for investments and for the collection of arrears. By a separate act[13] certain surplus monies arising from the fees and perquisites to the clerks of the supreme court were appropriated to the fund.

[8] Laws of N. Y., 1805, Ch. 66.

[9] *Ibid.*, 1807, Ch. 32.

[10] Governor's Message Jan. 1810.

[11] Assembly Journal 1810, p. 244. "The money received from the sale of the 500,000 acres of school lands was recklessly loaned to individuals and corporations who failed and as a consequence the school fund lost $61,641." Sower's Financial History of New York, p. 40.

[12] Laws of New York, 1810, Ch. 159.

[13] *Ibid.*, 1810, Ch. 196.

The following statement from the comptroller's report of 1812[14] shows the state of the fund at that time.

Bonds and mortgages for part of the consideration money of lands sold by the Surveyor-General	$240,370.67
3000 shares of the capital stock of the Merchant's Bank	150,000.00
300 shares of the capital stock of the Hudson Bank	15,000.00
Mortgages for loans	101,924.52
Bond for Horatio G. Spafford and sureties for a loan	3,000.00
Bond for the Mechanic's Bank in the city of New York	10,000.00
Arrears of interest due on the bonds and mortgages of the fund	35,831.13
Balance in the Treasury on the 31st of December, belonging to this fund	2,338.37
	$558,464.69

The revenue of the School Fund for this year is estimated at $45,216.95 arising from the following sources:

Annual interest on bonds and mortgages	$21,766.95
Dividends on bank stock	14,850.00
Probable collections from persons refusing to do military duty	1,600.00
Proceeds of the Clerk's Office of the Supreme Court	7,000.00
	$45,216.95

"It further appears, by the same report, that of the 500,000 acres of land which are directed by law, to be sold for benefit of the school fund, the Surveyor-General has already sold 198,507.666 acres leaving 301,492.344 acres yet to be appropriated to that purpose."

Half the proceeds from a sale of unappropriated land in Otsego county, known as Crumhorn Mt., was assigned to the fund in 1816[15] but owing to the conflict between this law and one passed in 1819[16] relative to a change in the investment of the fund, an act of 1824[17] directed that the proceeds be divided between the literature fund, the general fund and the common school fund. In 1819 one-half of all quit rents and commutation for future quit rents which should be received into the treasury was added.[18] The constitution of 1821[19] embodied

[14] Quoted in the report of the commissioners appointed to report a bill for the establishment of common schools. Assembly Journal 1812 pp. 102–107.

[15] Laws of New York, 1816, Ch. 90. This act repealed two previous acts relative to this same land, namely; ch. 187 of the Laws of 1813 and ch. 83 of the Laws of 1814. The amount of land to be sold was successively increased. The first act appropriated the whole amount to the use of academies.

[16] *Ibid.*, 1819, Ch. 222.

[17] *Ibid.*, 1824 Ch. 313. The money which accrued to the literature fund from this source is stated as $10,410 (Hough. Historical Record, p. 86). I have found no record of the amount which accrued to the common school fund.

[18] *Ibid.*, 1819, Ch. 222. There was approximately $339,000 still due in 1820 from this source. The act cited allowed 40% discount on rents of lands the arrears of which

the following section appropriating to the common school fund the proceeds from sales of land and making the fund perpetual. "The proceeds of all lands belonging to this state, except such parts thereof as may be reserved or appropriated to public use, or ceded to the United States, which shall hereafter be sold or disposed of, together with the fund denominated the Common School Fund, shall be and remain a perpetual fund; the interest of which shall be inviolably appropriated and applied to the support of common schools throughout this state." In 1824,[20] forty thousand dollars, originally appropriated to the erection of a fever hospital in New York, was directed to be transferred to the school fund and in 1827[21] the fund was further increased by $100,000 worth of bank stock. In 1838[22] an act for the distribution of the income of the United States deposit fund provided for the distribution of $208,000 of its income to various purposes, and directed that the residue of the income not otherwise appropriated be annually added to the capital of the common school fund. In 1845[23] eighty-four thousand three hundred and fifty-eight dollars and fifteen cents, which had been appropriated to the state by an act of Congress, entitled "An act to appropriate the proceeds of the sales of the public lands and to grant preemption rights," passed Sept. 4, 1841, and the interest on this sum, was appropriated to the use and benefit of the common school fund but with the reservation that the said moneys were received only on deposit, and liable to be refunded to the treasury of the United States, whenever Congress should direct by law. The constitution of 1846[24] besides restating the inviolability of the common school fund provided that "the sum of twenty-five thousand dollars of the revenues of the United States deposit fund shall each year be appropriated to and made a part of the capital of the said common school fund." This provision is still in force. By 1820 the fund amounted to one million dollars and above

were paid to 1814. This would leave approximately $200,000 toward the common school fund. (Sowers *op. cit.*, p. 38). But Hough (p. 86) says "In 1819 the arrears of quit rents amounting to $53,380 were equally divided between the common school and the literature fund."

[19] Constitution of the State of New York, 1821, Art. 7, Sec. 10.

[20] Laws of N. Y., 1824, Ch. 333. No record of this transfer has been found.

[21] *Ibid.*, 1827, Ch. 228.

[22] *Ibid.*, 1838, Ch. 237. v. p. 120 for origin of U.S. Deposit Fund.

[23] *Ibid.*, 1845, Ch. 184.

[24] Constitution of 1846, Art. 9, Sec. 1.

80,000 acres of land;[25] by 1839 it had increased to nearly two million dollars[26] and by 1850[27] to almost two millions and a half.

The interest on the common school fund reached the amount required before distribution, namely $50,000, in 1812 in which year the first law for the establishment of common schools provided for the amount to be distributed as follows:[28] "No distribution of the interest of the school funds shall take place amongst the common schools of this state, until it shall arise to fifty thousand dollars a year: and it shall not be lawful for the superintendent to distribute any more than fifty thousand dollars a year until he shall find he will be able to distribute sixty thousand and the sum of sixty thousand until the interest shall arise to seventy thousand, and so on as often as the interest shall increase ten thousand dollars, it shall be lawful for the superintendent to add to the sum last distributed ten thousand dollars more." The revised act of 1814[29] made the same provision. In the revised school law of 1819[30] the amount for distribution was set at $70,000. At the same session it was enacted[31] that there should be distributed, "in the year 1820 and annually thereafter, for the support and encouragement of common schools, within this state, in the manner, at the time, and under the conditions, that may be prescribed by law, the sum of eighty thousand dollars, until the revenues arising from said funds shall amount to ninety thousand dollars a year; and thereafter the sum of ninety thousand dollars shall be distributed annually, until the said revenues shall amount to one hundred thousand dollars a year; and thereafter one hundred thousand dollars shall be annually distributed, until there may be a further increase of ten thousand dollars; and then and so often as there may be such further increase of ten thousand dollars, the same shall be added to the sum previously distributed." But even $80,000 appears to have been more than the fund produced for in 1820[32] the legislature provided that the whole amount contemplated by the previous act should be paid provided the deficit did not exceed $13,500 and a similar law was enacted for four successive years,[33] the deficits to be respectively not more than

[25] Governor's Message, Jan. 1819.
[26] *Ibid.*, Jan. 1839.
[27] *Ibid.*, Jan. 1850.
[28] Laws of New York, 1812, Ch. 242.
[29] *Ibid.*, 1814, Ch. 192, Sec. 3.
[30] *Ibid.*, 1819, Ch. 161, Sec. 5.
[31] *Ibid.*, 1819, Ch. 212.
[32] *Ibid.*, 1820, Ch. 33.
[33] *Ibid.*, 1821, Ch. 73; 1822, Ch. 61; 1823, Ch. 56; 1824, Ch. 230

$7,000, $10,000, $8,000 and $9,000. The following enactment of 1826[34] shows that the deficit continued: "Whereas the sum of $80,000 was paid out of the treasury during the year one thousand eight hundred and twenty-five, for the benefit of the common schools, although only the sum of seventy-seven thousand three hundred sixty-nine dollars and seventy-four cents was received into the treasury the preceding year, from the revenue of the common fund: Be it enacted etc., that the said payment be, . . . sanctioned." The same act provided that "whenever any deficiency shall exist in the common school fund to satisfy an appropriation it shall be lawful to supply such deficiencies out of the general funds." Notwithstanding this deficiency the same legislature provided[35] for the distribution "from and after the present year," of $100,000 annually. The appropriation of $100,000 remained unchanged in the Revised Statutes of 1827, 1836 and 1846.[36] But from 1840 to 1850, $120,000 was appropriated annually.

After 1838[37] the amount available for the support of common schools was increased by a share in the interest on the United States Deposit Fund from which $110,000 was to be distributed annually for the support of the schools and $55,000 for district libraries for three years and after that for a library or the payment of teachers' wages in the discretion of inhabitants of the districts.

That the common school fund was not intended to defray the whole expense of the common school system is evident from the report of the commissioners who brought in the school bill of 1812. They said plainly that it was intended merely to arouse public attention and "bring instruction within the means of the humblest citizen." It is evident from data in the reports of the state superintendent that throughout this period the money distributed amounted to less than one-half of the wages paid to teachers and that all the running expenses of the schools aside from wages were borne by the people. The income from the fund was not always sufficient even to meet the amount appropriated for the support of schools. In that case the deficit was made up from the general fund.[38]

[34] *Ibid.*, 1826, Ch. 305.

[35] *Ibid.*, 1826, Ch. 298.

[36] Revised Statues Part 1, Chap. 9, Title 4.

[37] Laws of New York, 1838, Ch. 237.

[38] A statement of the amounts paid annually from the state treasury to common schools may be found in Ass. Doc. 1850, No. 50, p. 35. The amounts range from $48,376 in 1815 to $285,028 65 in 1850.

Literature Fund

The literature fund had its inception in early legislative acts which directed the reservation of certain lots of land "for the promotion of literature." By the act of 1786[39] which gave general directions for the survey and sale of unappropriated lands it was enacted that "in every township so laid out . . . the suveyor-general shall mark one lot on the map 'gospel and schools' and one other lot 'for promoting literature' which lots shall be as nearly central in every township as may be and the lots so marked shall not be sold but the lot marked 'gospel and schools' shall be reserved for and applied to promoting the gospel and a public school or schools in such township and the lot marked 'for promoting literature' shall be reserved to the people of this state to be hereafter applied by the legislature for promoting literature in this state." Under this act ten townships on the St. Lawrence were surveyed and the required reservations made.[40] When the Military Tract was surveyed in 1789 it was ordered[41] that each town should comprise 60,000 acres and be divided into 100 lots of which one should be reserved for "gospel and schools" and another for "literature." In 1796 these lots had not been designated and the Surveyor-General was instructed[42] to designate them at the next meeting of the Commissioners of the Land Office. Subsequent legislation relative to these lots makes it evident that the directions were executed.

Several appropriations of money were made "for the promotion of literature" before 1800 but these were either special grants to the two colleges of the state, Columbia and Union, or else were made for the benefit of academies to which the money was immediately distributed.[43] The first actual accumulation of money toward a permanent fund dates from the $100,000 lottery[44] instituted in 1801 for the benefit

[39] Laws of 1786, Ch. 67 (May 5). It may be noted that the Land Ordinance of May 20, 1785, passed by the Continental Congress provided that Lot No. 16 in each township be reserved for the maintenance of public schools. Journals of the American Congress, 1774–1788, Vol. iv, p. 520–521.

[40] Hough, p. 80 and 85, Note 3, says that of these literature lots one was given to each St. Lawrence and Lowville Academies. The remainder were sold, and of the proceeds $4500 was given to different academies and the rest turned over to the literature fund.

[41] Laws of New York, 1789, Ch. 44, Mar. 13.

[42] *Ibid.*, 1796, Ch. 69 April 11, Hough (*op. cit.*) p. 84 gives a list of the twenty-eight towns in which such lots were specified and the use to which each was finally appropriated, namely 10 to Union College, 8 to academies and 12 to the literature fund.

[43] See list of grants for the support of academies Appendix B.

[44] Laws of N. Y., 1801, Ch. 126. See also Common School Fund, p. 112.

of common schools and academies which were to share equally in the proceeds. No detailed account has been found as to the disposition of the money thus raised for academies but the regents in 1808 reported[45] that they had distributed "to the academies $1500 being the interest on such part of their funds as have hitherto been loaned. In their report for the year 1812[46] the regents recommended that the literature fund be increased by the sale of lands previously set apart for the promotion of literature. Following this recommendation an act was passed ordering the commissioners of the land office to "cause all the land heretofore appropriated for the promotion of literature in this state and situated in the Military Tract, or in either of the counties of Chenango or Broome, and now remaining unsold or undisposed of to be surveyed and sold in the manner directed in and by the act entitled 'An act for the sale of the unappropriated lands, and for the other purposes,' and to vest the proceeds in such manner as they may deem best calculated to secure the principal sum, and the regular payment of the interest thereon annually."[47] Three lots were excepted and appropriated to special academies. A further increase in the fund was made[48] by the sale of unappropriated lands belonging to the state in Otsego County, "lying on what is commonly known as Crumhorn Mountain." One half the money accruing was alloted to the common school fund, the other half to "such academy or academies as the Regents of the University shall direct." In response to a concurrent resolution of the two houses in 1819 asking for information about the literature fund the regents reported[49] that their funds amounted to $74,850.09 the revenue from which was $5,288.74; and that two thousand four hundred and seventy-three acres in the Crumhorn Mountain tract and two thousand two hundred and eighty-six acres in the Military Tract still remained unsold. Another source of increase was opened in this year[50] by the appropriation to the fund of one-half of all quit rents and commutation for future quit rents which should be received into the treasury. Canal stock to the amount of $150,000 from the general

[45] Rept. of Regents in Assembly Journal 1808, p. 399.

[46] *Ibid.*, 1813, p. 495.

[47] Laws of N. Y., 1813, Ch. 198 Hough (*op. cit.*, p. 86 N. 3) says that $29,735 was realized from these lots in 1818 and 2286 acres still remained unsold.

[48] *Ibid.*, 1816, Ch. 90. This amounted to $10,416 (Hough Hist. Rec. p. 86).

[49] Rept. of Regents in Assem. Journal 1819, p. 863.

[50] Laws of N. Y., 1819, Ch. 222. The other half was apportioned to the common school fund q.v. above p. 114.

fund, was added in 1827.[51] In 1832[52] the literature fund amounted to $69,312.58. Of this, $4,825 was held in trust for the Delaware (or Delhi) Academy. No further additions were made to the fund. The amount of money distributed from the income of this fund varied from $5,000 to $12,000.[53]

The literature fund, until 1832, was under the control of the regents for investment as well as disbursement. In that year they were directed[54] "to transfer all the stock, money, securities and property belonging to the literature fund in their possession or under their control, to the comptroller who should invest in public stock or loans as the regents should deem most advantageous."[55]

United States Deposit Fund

By act of Congress June 23, 1836 the surplus revenue of the United States was distributed among the various states for deposit, the money to be returned to the general government when required.[56] New York's share was about $5,000,000 and was accepted on the terms and conditions specified by the said act. This amount was appropriated among the several counties of the state according to population and provisions were made for loaning the fund by commissioners appointed in each county.[57] Governor Marcy in his message of 1837[58] assuming that the income would amount to about $300,000 recommended that $110,000 be applied to common schools; that a liberal portion be appropriated for the academies and for improving the literature fund especially with a view to rendering these schools "more efficient as seminaries for educating common school teachers," and that the remainder be added to the capital of the common school fund. No definite action having been taken at the session he recapitulated his plan in his message of the following year,[59] suggesting, however, in deference to "some diversity of opinion in relation to confirming the application of it ex-

[51] *Ibid.*, 1827, Ch. 222.

[52] Rept. of Regents 1832.

[53] v. pp. 139–141.

[54] *Ibid.*, 1832, Ch. 8.

[55] The net income of this fund since 1906 has been transferred to the General Fund for educational purposes. Sowers *op. cit.*, p. 267.

[56] Bourne E. G. History of the Surplus Revenue.

[57] Laws of N. Y., 1837, Ch. 150. This act was amended by 1844, Ch. 15 and 1845, Ch. 267. The amendments related to the sale of mortgaged property and the re-loaning of money.

[58] Governor's Message 1837.

[59] *Ibid.*, 1838.

clusively to the objects before enumerated," that colleges "especially such . . . as have not participated at all or but slightly in the bounty of the state" also share in the distribution. He further recommended that a share be used for establishing district libraries in connection with the common schools. These recommendations were embodied in an act passed during the following session[60] by which the income of the fund was directed to be spent for "the purpose of education and the diffusion of knowledge." By this act the following annual appropriation was made for the support of common schools: $110,000 for the support of common schools; $55,000 for district libraries for three years and after that for libraries or teachers' wages at the discretion of the inhabitants of the district; $28,000 for the academies. Some special grants were made and the surplus assigned to the capital of the common school fund.[61]

Town Funds

The common schools of New York benefited not alone by the state funds but by funds created by individual towns. So far as we know of these from legislative records most of them dated from the appropriation of gospel and school lots when state lands were being laid out between the years 1780 and 1800. Of the others, some originated in the appropriation of poor funds to school purposes; some in the sale of common lands; and others in private bequests. The legislation relative to these funds is voluminous and seems quite out of proportion to their importance. It is probably true, however, that though the individual funds were comparatively small they did much to stimulate local interest in education at a time when just such individual impetus was needed.

The reservation of "gospel and school" lots by the acts of 1876 and 1789, which resulted in such lots being designated in the Military Tract and in ten townships of the St. Lawrence has already been noted.[62] In the directions for the survey of the twenty townships in Oneida county literature lots were ignored and the law provided[63] only "that in every township so laid out—the surveyor-general shall mark one lot 'gospel' and one other lot 'schools' which lots marked 'gospel'

[60] Laws of New York, 1838, Ch. 237.

[61] "The net revenue from this fund is now transferred to the General Fund to be used for educational purposes with the exception of $25,000 which the constitution requires shall go to increase the capital of the Common School Fund. The revenue for 1912 was $179,624" Sowers. Financial History of New York, p. 275.

[62] v. Literature Fund p. 118.

[63] Laws of New York, 1789, Ch. 32 Feb. 25.

shall be reserved for the support of the gospel and the lots marked 'schools' shall be reserved for the use of schools in such townships." These lots were to be 500 chains square. The naming of the gospel and school lots for the twenty townships was long delayed. "An act for the relief of the inhabitants residing on the twenty townships in the county of Chenango"[64] relates that whereas "by the act of the legislature passed Feb. 25, 1789 the surveyor-general was directed to cause twenty townships to be . . . laid out west of the Unadilla and Chenanago rivers . . . and to mark one 'gospel' and the other 'schools,' which lots . . . were by the act expressly appropriated for supporting the gospel and schools of the said townships; (and) . . . by subsequent law . . . the Commissioners of the Land Office was authorized . . . to sell . . . the unappropriated lands belonging to the state . . . in pursuance whereof (they) proceeded to sell the aforesaid townships including the gospel and school lots. . . . It is now enacted that the Surveyor-General . . . out of any of the unapportioned lands . . . in the western district cause 40 lots containing 250 acres each to be surveyed . . . and the lots so surveyed to be appropriated for the support of gospel and schools within the twenty townships." The territory to be thus drawn upon was limited in 1808[65] to the tract of land then lately purchased of the Oneida Indians south of and adjoining Oneida Lake or such lots in the Military Tract as then belonged to the state. So far as information can be gleaned from legislative acts all the towns which benefited from gospel and school lots were in the counties of St. Lawrence, Clinton, Chenango, Madison, Broome and Tioga and those counties included in the Military Tract, namely Cayuga, Seneca, Onondaga, Wayne, Cortland, Oswego and Tompkins.

The regular legal methods of supervising these lands was by a commission made up of the town supervisor and two commissioners who were appointed by the inhabitants of town meeting; or by three trustees elected by the people; or, after 1845, by the town superintendent of common schools.

The lots in the Military Tract, which was at this time all included in the county of Onondaga were designated in 1796. In 1798[66] steps were taken to render their proceeds available. The law provided that "the supervisors of each of the towns in the county of Onondaga . . . in conjunction with such commissioners, not exceeding three in number, as the free holders and inhabitants of any of the said towns shall at

[64] *Ibid.*, 1805, Ch. 136.

[65] *Ibid.*, 1808, Ch. 237.

[66] *Ibid.*, 1798, Ch. 48.

their annual town meeting respectively appoint, shall be . . . empowered to . . . take possession of the lots of land situate in the several towns . . . which were designated for gospel and school lots by virtue of the act . . . passed the 11th of April, 1796. And thereupon the supervisors and commissioners, of any of the said towns in which such lots of land may be situated, shall lease the same upon such terms and for such periods of time as they may deem proper, not exceeding ten years:[67] provided, nevertheless, that whenever the freeholders and inhabitants of any of the towns shall in legal town meeting, instruct the supervisors . . . the leases of the same lands shall be made conformably to such instructions subject to the limitations of time as aforesaid." The commissioners were also given power to bring suits for trespass. An act of 1808[68] extended the provisions of this act to all townships of the state where there were lots of land reserved for gospel or schools.

Nineteen towns in Cortland, Seneca, Cayuga, Onondaga and Broome counties were authorized, in 1813,[69] to elect annually as other town officers were elected three trustees who should constitute a body corporate, able to "sue and be sued in any court of law or equity for any matter or cause relating to the aforesaid lands, or the proceeds thereof," "and whose duty it should be to take charge of the said lands belonging to such town, and receive and appropriate the rents, issues and profits, or the proceeds arising from the sale thereof." These trustees were given "full power and authority to demise or grant, bargain, sell and convey, the said lands upon the best terms or for the best price which can be had therefore, in such a manner as the said trustees shall deem most beneficial to their respective towns," except that it was provided "that it shall not be lawful for the said trustees or their successors, to sell the said lands on a shorter credit than twenty years." The trustees were directed to "loan the monies arising from such sales at lawful interest, to be secured bonds and mortgages on lands of double the value of the sums loaned, and clear of all incumbrances." They were required to make annual report to the town meeting.

[67] The 10 year limit for leases was changed to 21 years by Chap. 135 of the Laws of 1807.

[68] Laws of New York, 1808, Ch. 218.

[69] *Ibid.*, 1813, Ch. 100. The restrictive clause regarding time of payment was removed by an amendment in 1826 (Ch. 30). Additional regulations as to loans were also made and the trustees were required to give a bond to the town supervisor for the faithful discharge of their duty. To the towns originally named was added Cicero in 1819 (Chap. 164).

It does not appear whether these towns had had the commissioners and found them unsatisfactory or whether this was their first attempt at organizing supervision for such lots. The trustees, it will be observed, were given power to sell and convey school lots which was not accorded the commissioners. Doubtless there were also advantages in having the men who handled a fund of this sort incorporated and therefore a permanent body though the personnel might change with the annual elections.

Madrid, in St. Lawrence County, was authorized in 1821 to elect trustees to take charge of the gospel and school lot.[70] In 1823[71] the legislature enacted that "whenever it shall be thought by the commissioners of public lands, in any town of the county of St. Lawrence, except DeKalb, for the interest of such town to change the manner in which the gospel and school of such town is now managed, . . . it shall be lawful for (them) . . . to signify the same to the freeholders and inhabitants of such town, at any annual meeting and it shall thereupon be lawful . . . to elect three trustees, being inhabitants and freeholders of such town, who, . . . shall be a body corporate." Twelve acts were passed between 1819 and 1828 authorizing other towns outside of St. Lawrence county and the Military Tract to elect trustees for the same purpose.

The powers and duties of trustees were passed on to the town superintendent in Onondaga County by the following act:[72] "The town superintendent of common schools in the several towns of the county of Onondaga are hereby constituted trustees of the gospel and school fund moneys of their respective towns . . . under the same regulations as are now provided by law for the safe keeping of the same." The next year the legislature enacted[73] that "The office of trustees of the gospel and school lots in the several towns in this state is hereby abolished; and the powers and duties now by law conferred and imposed upon said trustees, shall hereafter be exercised by the town superintendent of common schools."

Aside from these regularly constituted arrangements various other plans were followed in individual towns. In one instance,[74] the commissioners of common schools assumed the charge of the gospel and school lot and their acts were ratified by the legislature. A special arrangement

[70] *Ibid.*, 1821, Ch. 190.

[71] *Ibid.*, 1823, Ch. 76.

[72] *Ibid.*, 1845, Ch. 288.

[73] *Ibid.*, 1846, Ch. 186.

[74] Geneva, Cayuga County. *Ibid.*, 1812, Ch. 14.

for the twenty townships in Chenango county was made[75] whereby an agent in each town, elected by the inhabitants, was made responsible for leasing the land or bringing suits for trespass. Through the neglect of the towns in Clinton county to appoint the regular commissioners timber was cut from the school lots whereupon the town supervisors and assessors in the several towns were made legally responsible[76] until commissioners should be choosen. The town of Oxford was authorized[77] to appoint "one or more persons" to receive the rents accruing from such land.

The state pursued a variable policy with regard to the use of funds arising from these lands originally intended for gospel and schools. Sometimes directions were given that the funds be divided between the various churches and the schools; sometimes, the question was left to the inhabitants and freeholders to decide; again, and with increasing frequency, the money was assigned to the use of common schools either to be distributed as state funds or according to the vote of the inhabitants. Rarely, the income was turned over to the churches. The first definite statement as to the use of the avails of the "gospel and schools lot" was made when these lots were designated in the Military Tract as follows: "The monies arising from leasing of the said lots shall be applied to the use of schools or support of the gospel in the original townships as surveyed and no other purpose which said application shall be made for schools or gospel or both, and in such way and manner as the inhabitants of the towns, in which the lands lie, shall in legal town meeting, from time to time, direct order and appoint."[78] This option on the part of the people was abolished by an amendment in 1808[79] which provided that "the monies arising from the annual . . . profits of the gospel lots . . . be equally divided . . . between the several religious societies legally organized in such township and that . . . profits of the . . . school lots shall be distributed among the schools kept in each . . . township by teachers to be approved by the supervisor and commissioners in proportion to the aggregate number of days which the scholars in each respective school shall have . . . attended such schools in the year immediately preceding such division." But

[75] *Ibid.*, 1814, Ch. 112. Such agents were not originally given power to sell land but certain sales were confirmed by Ch. 224 of Laws of 1819.

[76] *Ibid.*, 1810 Ch. 5.

[77] *Ibid.*, 1818, Ch. 157.

[78] *Ibid.*, 1798, Ch. 48.

[79] *Ibid.*, 1808, Ch. 218.

the act of 1813[80] which provided for the election of trustees in certain towns of this same district enacted "that the rents, issues and profits of the aforesaid lands, and the annual interest of the monies arising from the sale thereof, shall be applied by the said trustees for the time being, to the support of the "gospel and schools" in their several towns in such manner as the freeholders and inhabitants of the town respectively, at their annual town meeting shall order and direct, or as the legislature shall prescribe by law." The trustees of the town of Hector, originally included in the above act were directed in 1818[81] to pay the whole avails of the gospel and school lot to the commissioners of common schools. The requirement was added that "the said commissioners of common schools shall pay over the same to the several school trustees of the several school districts in the same manner and proportions and under the same regulations, as other money which shall or may come into their hands from the school funds of this state, who are hereby directed . . . to apply the same to the payment of wages of teachers." Acts were passed relative to several other towns directing that the funds be thus devoted to common schools, namely Hannibal in Oswego county[82], Geneva in Cayuga[83], Greene and Coventry in Chenango[84]. Oswego in Broome county was allowed[85] to use its funds for "any such school or literary purpose" as the inhabitants should direct. In the town of Bainbridge, Chenango county, on the other hand the gospel and school lot was leased without legal authority by the "Congregational Society of St. Cecilia." They obtained a confirmation of their acts from the legislature[86] on condition that in the future the commissioners of common schools collect the rents and apply them, "One-half for the support of common schools and the other for the support of the preaching of the gospel in the said town of Bainbridge." The avails of the gospel and school lot in the town of Chenango, Broome county, were appropriated[87] to the benefit of "the three organized and incorporated religious societies in the village of Binghampton in said town to wit: The Episcopal, Methodist and Presbyterian churches, "to each church an equal share."

[80] *Ibid.*, 1813, Ch. 100.
[81] *Ibid.*, 1818, Ch. 176.
[82] *Ibid.*, 1821, Ch. 190.
[83] *Ibid.*, 1822, Ch. 14.
[84] *Ibid.*, 1825, Ch. 7 and 41.
[85] *Ibid.*, 1826, Ch. 162.
[86] *Ibid.*, 1819, Ch. 85.
[87] *Ibid.*, 1829, Ch. 112.

In St. Lawrence county the money was at first under the same regulations as in Onondaga county; that is, disposed at the will of the inhabitants.[88] A ruling[89] in behalf of the town of Madrid caused the money in that town to be divided equally between the common schools and the legally formed religious bodies. This provision was then made[90] to include all the towns except DeKalb if the inhabitants should so rule. Eleven towns of this county (St. Lawrence) were granted permission in 1825[91] "at their annual town meetings respectively, by a majority of the votes of the persons assembled at any such meeting and authorized to vote for town officers, to pass a resolution directing that the whole of the income arising to any such town, either from the rents or sale of the gospel and school lot therein, or any part thereof, shall be appropriated to the use of the common schools of the said town, instead of being appropriated as is now directed by law." The money was to be used for teachers' wages. Another act[92] in the interests of the same county reverted, it appears, to the original order enacting that "It shall and may be lawful for the inhabitants in any of the towns in the county of St. Lawrence, having gospel and school lots therein, to apply the rents and profits of such lots, and the interest of the money arising from the sale thereof, to the support of the gospel and schools, or either, and in such way and manner as the freeholders and inhabitants of the towns in which the said lands are situate, shall in their annual town-meeting from time to time direct, order or appoint." The money thus voted to schools was directed[93] to be distributed in the same way as the state funds: the money for the gospel to be distributed "to the different Christian orders or so many of them as reside in any such town, in the ratio of resident members in full communion with any regularly organized church." The money which had accrued in the town of Guilford from the gospel and school lots up to 1834 was directed to be divided equally among the legally incorporated religious societies; the rents in the future, to be appropriated to common schools as the inhabitants should direct.[94]

[88] *Ibid.*, 1816, Ch. 202.

[89] *Ibid.*, 1821, Ch. 190.

[90] *Ibid.*, 1823, Ch. 76.

[91] *Ibid.*, 1825, Ch. 294.

[92] *Ibid.*, 1830, Ch. 65.

[93] *Ibid.*, 1830, Ch. 65.

[94] *Ibid.*, 1834, Ch. 100.

In 1791,[95] before any law was passed for the support of common schools, the inhabitants of Clermont, Columbia county, petitioned the legislature for permission to apply the funds arising from excise and fines which remained in the hands of the overseers of the poor, and were not needed for the support of the poor, for securing a site, building a schoolhouse and maintaining a school master. No other such use of funds appears until the year 1829[96] when it was made lawful "For the inhabitants of any town in such counties as have abolished the distinction between county and town paupers, and in such counties as may hereafter abolish such distinction, to appropriate all or any part of the monies and funds remaining in the hands of the overseers of the poor of such town, to such objects, and for such purposes, as shall be determined on at such meeting." And it was further enacted that: "If any such meeting shall appropriate such money or funds for the benefit of common schools in their towns, the money so appropriated shall be denominated 'The common school fund of such town,' and shall be under the care and superintendence of the commissioners of common schools of said town, . . . The annual interest (of the said fund) shall be applied to the support of the common schools in such towns, unless the inhabitants of such town, in annual town-meeting, shall make a different disposition of the whole of the principal and interest, or any part thereof, for the benefit of the common schools of such town . . . (and shall be) . . . applied to the support of common schools of such town, in like manner as the public money for the support of common schools shall be distributed by law." It does not appear whether such funds were often used for common schools.

Seven acts were passed in the years 1829, 1830 and 1831, relative to the use of the poor funds in individual towns.[97] The overseers of the poor in the town of Saranac were required to pay over all monies in their hands to the commissioners of common schools the whole sum to be distributed to the several school districts. In Pierpont, St. Lawrence county, such funds were to be invested and only the interest distributed. Fort Edward was required to pay $150 to the commissioners of highways and the residue to the commissioners of common schools. One thousand dollars of the poor funds of DeKalb were

[95] *Ibid.*, 1791, Ch. 41.

[96] *Ibid.*, 1829, Ch. 287.

[97] Saranac *Ibid.*, 1829, Ch. 23; Pierpont *Ibid.*, 1829, Ch. 299; Fort Edward *Ibid.*, 1829, Ch. 177; DeKalb, *Ibid.*, 1830, Ch. 44.; Russell, *Ibid.*, 1831, Ch. 297.; McDonough *Ibid.*, 1831, Ch. 125; Cameron, *Ibid.*, 1831, Ch. 159.

turned over to the trustees of the gospel and school lot, the interest on this amount to be distributed in the usual way. The overseers of the poor of the town of Russell were required to continue to handle the poor fund, paying over the interest annually to the commissioners of common schools. The annual interest on $600 was, in the same way, appropriated to the use of schools in the town of McDonough, St. Lawrence Co. The overseers of the poor in Cameron, Steuben county, were directed to pay fifty dollars to the school commissioners and "from time to time herafter (to) pay over to the commissioners of common schools of said town, so much of the poor funds in their hands, as shall be directed by the inhabitants of said town, or a town-meeting in said town.

The town of Stephentown was incorporated in 1799[98] better to take care of a fund which had been given it, the interest of which was appropriated for the encouragement of schools, the inhabitants having authority to make rules "for the more equal distribution of the income of all such corporate property among the schools within the bounds of corporation; and also for well ordering and regulating the schools in such manner as will best promote the education of children." Lewiston started a fund in 1810 setting apart certain lots of land for this purpose.[99] The monies arising from these lands were handled by the state treasurer until 1826 when commissioners of the Lewiston School Fund were appointed with full powers to dispose of such land and to demand all money then in the state treasury belonging to such fund.[100] In 1822 it yielded $212.74.[101] The town of Jerico, Chenango Co. was authorized[102] to elect annually officials to be known as the "trustees of the common school fund in the town of Jerico" who should have power to dispose of the literature lot in that town and to invest the money. It was enacted that "the interest produced . . . shall forever hereafter be appropriated for the support and benefit of common schools in the said town . . . and (be distributed) at least once every year among the several school districts in said town according to the whole number of days which all scholars in the said several districts . . . may have attended school." It was further required that the teachers make an annual report of the

[98] *Ibid.*, 1799, Ch. 46.

[99] *Ibid.*, 1810, Ch. 96.

[100] *Ibid.*, 1826, Ch. 205. Other acts relating to this fund were passed in 1817, Ch. 250 and 1818, Ch. 43.

[101] Governor's Message, 1822.

[102] Laws of N. Y., 1811, Ch. 49.

names of all scholars sent and the number of days each scholar attended school. It was made legal for the inhabitants of Oyster Bay[103] to lease their "common lands, beaches and marshes" the income to be appropriated one-half to the support of the poor and one-half to common schools to be distributed in the same manner as state funds. The town of Rye was allowed[104] to lease all unclaimed and unoccupied lands and use the income for the support of schools. A lot of two hundred and forty acres was set apart[105] in Edmestown to be sold for the benefit of common schools, the income to be handled by the common school commissioners and appropriated in the usual way. The election of trustees for this fund was authorized in 1828.[106] A certain Adin Deming bequeathed funds for the use of district No. 4 in Edmestown and district No. 6 in Pittsfield the interest on which was to be applied to teachers' wages. These funds were put in the control of the trustees of the common school fund of Edmestown and of the town superintendent of Pittsfield.[107] The legislature appointed three trustees of the Lewis school fund, who were authorized "to receive, hold and manage the stocks and all and other personal or real estate which John Lewis may transfer, convey, or assign for the benefit of the town of Lewisboro . . . the interest accruing therefrom to be paid semi-annually to the trustees of the several school districts and separate neighborhoods of said town, in the same manner, and under the same regulations and restrictions as is required of the commissioners of the common schools in the distribution of the common school moneys."

Some difficulties arose over town funds when towns were divided. Many of the acts which record the dividing of towns include a phrase saying that the school lot shall be divided also. Sometimes it became necessary for a town to ask the intervention of the legislature for power to bring suit to secure this seemingly just demand.[108] Occasionally, laws give evidence of difficulties in keeping the school lands intact. A certain William Cooper sold land both in St. Lawrence and in Chenango counties which really belonged to the school lot. After his death, settlement had to be made between his grantees and the state.[109] The commissioners of the land office were authorized to compromise with

[103] *Ibid.*, 1822, Ch. 70.
[104] *Ibid.*, 1821, Ch. 41 and 1826, Ch. 118.
[105] *Ibid.*, 1825, Ch. 153.
[106] *Ibid.*, 1828, Ch. 44.
[107] *Ibid.*, 1848, Ch. 94.
[108] *Ibid.*, 1818, Ch. 229; 1822, Ch. 59; 1821, Ch. 91 *et al.*
[109] *Ibid.*, 1816, Ch. 202 and 1828, Ch. 244.

all proprietors holding parts of the gospel and school lots in St. Lawrence county because of former erroneous surveys.[110]

Comparatively few towns benefited by local school funds and the total amount received was small. The local funds in 1829 produced $13,133.91; in 1835, $18,538.56. Seventy-five towns in 1829 received money from such funds, all but one, Oyster Bay, being those in which gospel and school lots had been set apart.[111] In 1835[112] one hundred and eighty-nine towns received money from such sources. The superintendent's report for this year specifies that thirty-two of these towns received money from the overseers of the poor; seventy-six, from school lots or public lands; the rest from "town funds," the source of which is doubtful. In this same year a total of 835 towns reported to the state superintendent.

From the foregoing account it appears that the common schools and academies received substantial aid from public funds yet were by no means fully supported by them. The other sources of income and

[110] *Ibid.*, 1827, Ch. 65.

[111] Assembly Journal 1829 appendix E. The report of The State Superintendent gives the following details. "The following is a list of the principal reservations from which the town funds arise. One lot of 550 acres in each of the twenty-eight townships of the Military Tract; forty lots of 250 acres each in the twenty townships west of the Unadilla River being 10,000 acres; one lot of 640 acres in each of the townships of Fayette, Clinton, Greene, Warren, Chenango, Sidney and Camden in the counties of Broome and Chenango; ten lots of 640 acres each in the townships along the St. Lawrence; sixteen lots of 640 acres each in Totten and Crossfield's purchase."

Amounts received in the various counties.

AMOUNTS RECEIVED IN THE VARIOUS COUNTIES

Counties	Number of towns	Total amount received	Range among the various towns
Broome	2	$ 111.36	$42.48 to 68.88
Cayuga	16	1,740.50	17.87 " 418.97
Chenango	13	1,208.11	16.00 " 245.57
Cortland	7	885.63	62.82 " 240.75
Madison	7	893.27	62.50 " 240.75
Onandaga	11	2,486.34	18.00 " 647.22
Oswego	2	190.23	90.46 " 96.77
Queens	(Oyster Bay from rent of marshes)		
Seneca	6	2,116.45	71 75 " 501.06
St. Lawrence	1	77.77	
Tompkins	8	3,230.78	
Aggregate		13,133.91	

[112] Assembly Doc. 1835, Vol. 1 No. 8 Annual Report of Superintendent of Common Schools.

the methods of distribution of such income to the common schools, academies and colleges are stated in the following pages.

Support of Common Schools

The laws of New York after the year 1812 recognize six sources of support for common schools: the income of the common school fund, some money from the United States deposit fund, the income from town funds, the town tax, the district tax, and the money collected by rate bills in each district. The state apportionment, except certain appropriations from the United States deposit fund for libraries and apparatus, and also the town tax were used for the payment of teachers' wages; the balance necessary for this purpose was collected from individuals in each district by means of rate bills; the district tax was used only for securing and maintaining sites, buildings and equipment; the income from town funds was variously applied. The acts which were passed relative to the establishment of various funds have already been cited. The regulations for the assessment and collection of town and district taxes and of rate bills, and for the apportionment and distribution of all the money designed for the use of schools were the sources of much additional legislation.

The levying of a town tax was optional with the town at first although it was a necessary preliminary to receiving state money.[113] After 1814[114] the supervisors were required "at every annual meeting (of the board of supervisors) . . . to add to the sum or sums to be raised or levied on each of the said towns for defraying necessary expenses thereof, a sum equal to the sum which shall be last apportioned . . . to such town and to cause the same to be collected within the same time and in the same manner as the other sums to be raised and levied on such towns, are by law to be collected. . . ." This money was paid to the town commissioners for distribution among the districts. In addition to this tax the towns were allowed at their discretion to raise an additional amount which was fixed in 1819 as "a sum not exceeding the amount required to be raised."[115]

It appears that the supervisors did not always levy the appointed tax, for in 1839[116] a law was enacted that towns which had not raised

[113] Laws of New York, 1812, Ch. 242, Sec. 5.

[114] *Ibid.*, 1814, Ch. 192, Sec. 6.

[115] *Ibid.*, 1819, Ch. 161, Sec. 7. The school law of 1812 (Ch. 242, Sec. 5) permitted the towns to raise an amount equal to twice the required amount and that of 1814 (Ch. 192, Sec. 7) made the limit three times the required amount).

[116] *Ibid.*, 1839, Ch. 330, Sec. 1, 2, 3.

the required money the previous year should make up the deficit and that thereafter if the board neglected to make provisions for the tax at their annual meeting they should call a special one for this purpose and if it were not done then it should be done at the next annual meeting. Moreover, thereafter the clerk of the board of supervisors was required to report to the superintendent all resolutions and proceedings passed relating to the raising of school money and if it appeared that the supervisors had not directed the raising of the proper amount, the state appropriation might be withheld in whole or in part and be added to the principal of the common school fund. If this tax was not levied as provided by law the only penalty to which the town was subject was the withholding of the state apportionment, but the supervisors might be held liable by the town for the whole amount forfeited by their neglect.

It was the duty of the first meeting of a district to "vote such a tax on the resident inhabitants . . . as a majority of them . . . deem sufficient to purchase a suitable site for a schoolhouse, and to build, hire or purchase such schoolhouse and to keep in repair and furnish the same with necessary fuel and appendages."[117] The district meeting was not allowed to vote more than $400 for building a single schoolhouse unless the commissioners certified in writing that a larger sum was necessary and stated the sum required.[118] But if the district voted to build two school houses $400 could be raised for each one. The district could also be taxed to the amount of $20 in any one year to purchase maps, globes, blackboards and other school apparatus.[119] The amount of money due from indigent persons on the rate bill was also made a tax upon the district as a whole.[120]

Notwithstanding the explicit mention of fuel as a proper object for the expenditure of the district tax, the amendment of 1822 provided that when "the necessary fuel shall not be provided by a tax . . . it shall be the duty of each and every person who shall send any child or children to such district school to furnish and provided his or her just proportion of the fuel necessary for such school," from which burden the trustees could exempt the poor.[121] The district tax was levied on

[117] *Ibid.*, 1812, Ch. 242, Sec. 5.

[118] *Ibid.*, 1819, Ch. 161.

[119] *Ibid.*, 1841, Ch. 256, Sec. 12.

[120] *Ibid.*, 1843, Ch. 133, Sec. 14.

[121] *Ibid.*, 1822, Ch. 256, Sec. 12. A special decision of the superintendent stated that the wood must be of a length suitable to be used and that the teacher or pupils could not be expected to prepare it. Randall, p. 106. Digest.

all taxable inhabitants in actual residence and also on such as owned real estate in the district[122] within three miles of the schoolhouse,[123] and on corporations holding property there.[124]

The rate bill was designed to cover the deficit between the public money received in each district from the town and the amount agreed upon with the teacher as wages. The inevitable result, particularly in the earlier years, was that for the sake of reducing the rate bill, cheap teachers were secured and terms were short. This rate bill was made out by the district trustees, against every person whose children had attended school, on the basis of the number of days' attendance by each pupil, as shown in the records of the teacher. The rate bill having been made out for all pupils, the poor were then exempted and their share made a tax upon the district as a whole.[125] Collections on the rate bill could be legally made only by a regularly elected collector but the teacher sometimes undertook to make the collections. He had no legal warrant for this and could not proceed against persons refusing to pay. A legal collector, however, could compel the sale of goods and chattels to pay such rate.

The apportionment of the state money to counties and towns was on the basis of population according to the last preceding census, except for a short period between 1827 and 1830, when the law directed that the city and county of New York and the county of Albany and the towns and cities therein should receive an amount according to the ratio of their population respectively as compared with the population of the whole state according to the last preceding census . . . . and every other county, city and town . . . on the ratio of the number of children over five and under sixteen years of age as appearing to the superintendent from the returns of the last preceding year."[126]

[122] *Ibid.*, 1819, Ch. 189.

[123] *Ibid.*, 1841, Ch. 256. The law of 1819 made only cleared and cultivated land subject to taxation. The law of 1841 extended this to all land in the district. Farms intersected by district lines were taxed in the district in which the house stood. (Randall Digest, pp. 168–172.)

[124] *Ibid.*, 1841, Ch. 256. This act rendered turnpikes and railroad corporations liable to taxation on land owned within a given district. Property belonging to the U. S., to the state, to religious, educational or charitable institutions and to the ministers of the gospel not exceeding $1500 was exempt (Sec. 4, Ch. 13, I. Rev. St., p. 379, 2nd Ed.)

[125] The Free School law passed in 1849 was an unsuccessful attempt to do away with the rate bill. v. Chap. VIII, p. 174 for further statement about this act.

[126] Revised Statutes, 1827, Part I, Ch. 15, Title 2, Art. 1, Sec. 3 and 4. See Laws of 1830, Ch. 320, Sec. 5, for repeal.

The money was apportioned "among the several school districts, parts of districts and neighborhoods separately set off, within their town" "in proportion to the number of children residing in each, over the age of five and under that of sixteen years, as the same shall have appeared from the last annual reports of their respective trustees," exclusive of Indian children, who were otherwise provided for. If districts were altered after the annual reports were received and before the apportionment of money, the commissioners were authorized to ascertain the number of children by the best means in their power and make the apportionment on that basis.

The task of apportioning the school money was at first[127] divided between the superintendent who made the apportionment to counties; the board of supervisors, or their clerk, who made it to those towns which raised the required amount of money; and the town commissioners who divided the funds received by the towns among the districts. Later[128], the superintendent made the apportionment to both county and towns except in those cases where insufficient evidence of population made it impossible for him to make a just apportionment under which circumstances it was done by the county treasurer. It was required that the superintendent make a new apportionment whenever there was an increase in the money to be distributed[129] and also whenever there was a new United States or state census, or whenever a new county was made or an old one divided so as to render the apportionment unjust.[130] After 1822[131] the whole matter of town and county apportionment was put in the hands of the superintendent without reserve. The apportionment to districts remained in the hands of the town commissioners.

It was the duty of the superintendent after having made the yearly apportionment to notify the comptroller and each county clerk of the amount due each county. The comptroller was thereupon required to certify the amount to the state treasurer, and the county clerks to notify the county treasurers and the board of supervisors of their respective counties.[132] The county treasurers were directed to apply for and re-

[127] Laws of New York 1812, Ch. 242, Sec. 3, 5, 15; 1814, Ch. 192, Sec. 3, 6, 21.
[128] *Ibid.*, 1819, Ch. 161, Sec. 5.
[129] *Ibid.*, 1812, Ch. 242, Sec. 3.
[130] *Ibid.*, 1819, Ch. 161, Sec. 5.
[131] *Ibid.*, 1822, Ch. 256, Sec. 1.
[132] By the law of 1812 (Ch. 242, Sec. 5) the county clerk must also notify the town clerk that the matter might be brought before the town meeting to see whether it would vote to raise an equal sum for the support of schools. In case they did so

ceive the money from the state treasurer immediately and to notify the various town commissioners of the amount due them and hold the same subject to call.[133] The board of supervisors was required to levy the town tax as aforesaid and to pay the same to the town commissioners. If there were no town commissioners or if they did not apply for the money before the next apportionment was received, both the money from the state and from the town tax was added to the amount next to be distributed.[134]

The distribution within each town was made by the town commissioners who received the town's share of the state money from the county treasurer and the town tax from the town collector; apportioned the same among the districts; and paid the apportionment to the teachers on a written order from the trustees.[135] The money therefore did not pass into the hands of the trustees at all. No district was allowed to receive a share unless the annual report had been made as directed, unless school had been kept for three months[136] by a qualified teacher and all the money received from the commissioners had been spent for teachers' wages.[137] In 1843[138] it was enacted that "No portion of the teachers' fund shall be paid to any district . . . unless it shall appear that a school had been kept the length of time now required by law[139] (namely, four months) by a duly qualified teacher and that no other than a duly qualified teacher had at any time during the year for more than one month been employed to teach the school in said district. . . ."

The law of 1812 provided that if a district did not use its share of public money it should be divided among the other districts in the same town if they needed it, if not it should be added to the amount next to be distributed. The law of 1814 provided that "All monies apportioned by the commissioners, to the trustees of a district, . . . which shall have

vote the supervisors were notified and they made the apportionment and tax list accordingly.

[133] When the apportionment to towns was made by the clerk of the board of supervisors the treasurer was obliged to obtain the apportionment from the said clerk before notifying the commissioners. (Laws of N. Y., 1814, Ch. 192, Sec. 4).

[134] Laws of N. Y., 1814, Ch. 192, Sec. 6.

[135] *Ibid.*, 1843, Ch. 133, Sec. 15.

[136] *Ibid.*, 1814, Ch. 192, Sec. 21. Districts formed within three months were exempt from this provision if they were formed from districts which had met the required regulations. (1831, Ch. 206, Sec. 1.) The length of term was changed to four months after the addition of the U. S. deposit fund. (1838, Ch. 237, Sec. 2.)

[137] *Ibid.*, 1827, Ch. 228, Sec. 23, 24, 25.

[138] *Ibid.*, 1843, Ch. 133, Sec. 15.

[139] *Ibid.*, 1838, Ch. 237.

remained in the hands of the commissioners for one year after such apportionment, by reason of the trustees neglecting or refusing to receive the same, shall be added to the monies next thereafter to be apportioned by the commissioners, and shall be apportioned and paid therewith"[140] and "in case any school monies received by commissioners cannot be apportioned by them, for the term of two years after the same are received, by reason of the non-compliance of all the school districts in their town, such monies shall be returned by them to the county treasurer, to be apportioned and distributed together and in the same manner with the monies next thereafter to be received by him, for the use of common schools."[141] In case there were no town commissioners or they did not call for the town's apportionment of state money, the county treasurer was directed to keep it and add the amount to the next apportionment.[142]

Money was forfeited by the districts if reports were not made by the district trustees at the proper time, if schools were not kept for three months by a qualified teacher, if any teacher not qualified were employed in the district for more than one month. Money might be forfeited by the town at the discretion of the superintendent if the reports of the commissioners were not made at the proper time and money thus forfeited be distributed among the other towns. In case the town lost its apportionment through the fault of the commissioners they could be held liable for the whole amount thus forfeited with interest.[143] Money was forfeited by a county during the years 1841 to 1847 if a county superintendent was not appointed.

A law making the schools free to all persons, over five and under twenty-one years of age, residing in each district was passed in 1849.[144] By this law each county and each town in the county was required to raise a sum equal to the amount of the state school money apportioned to it. The district trustees were directed to make an estimate of the amount over and above that raised in the county and town which would be necessary to pay the expenses of the schools, and to submit this estimate to the district voters. So much of the sum named as should be approved was to be raised by a tax on the district. This bill was repealed in 1851 and the rate bill reëstablished. Supt. Morgan says that the bill was not well framed and that many who voted for its repeal

[140] *Ibid.*, 1814, Ch. 192, Sec. 21.

[141] *Ibid.*, 1819, Ch. 161, Sec. 16.

[142] *Ibid.*, 1814, Ch. 192, Sec. 4.

[143] Revised Statutes 1827, Part I, Ch. 15, Title 2, Art. 1, Sec. 31 and 32.

[144] Laws of N. Y., 1849, Ch. 140.

favored free schools but were unable to get a properly amended law before the people and therefore voted against it.[145] Several cities established free schools before 1850[146] but they were not permanently established throughout the state until 1867.

Support of Academies

The law which gave the regents power to incorporate academies[147] made no provision for their support other than authorizing the regents to apply any funds coming into their hands as they might consider "most conducive to the promotion of literature and the advancement of useful knowledge within the state" and directing that grants for special purposes be applied as directed. Since no provision was made for any regular source of income for the regents the evident expectation was that the schools would be founded by private benefactions and, for the most part, supported by tuitions and any other sources of private income available. Before 1800 there were two special appropriations of money for the support of academies. From 1800–1850 support on the part of the state consisted in the income from certain funds[148] and special appropriations to individual academies. Until 1827 the amount distributed in any one year did not exceed about $5,000. This was supplemented by many appropriations or grants to individual academies. After 1825 these special grants were seldom made, although some loans were made from state funds. The basis of distribution varied in accordance with ordinances of the regents or by statute.

In 1790 the state treasurer was authorized to pay to the regents out of "any monies in the treasury unappropriated" £1000 for the use of Columbia College and the academies.[149] Half of this was divided among the academies then incorporated, Erasmus Hall, North Salem, Montgomery and Washington.[150] The same bill set apart a tract of land near Lake George for the benefit of academies and colleges, but its boundaries were changed in 1802 and Union College was made a beneficiary with Columbia College, all reference to academies being omitted.[151] A second grant of money, £1500 a year for five years, was

[145] Ass. Doc. 1851, No. 21, p. 14.

[146] v. Chap. V., p. 110.

[147] Laws of N. Y., 1787, Ch. 82.

[148] Positive records of regular annual distribution are wanting before 1819.

[149] Laws of N. Y., 1790, Ch. 38.

[150] Rept. of Reg. Feb. 22, 1791, Ass. Journ. 1790–1795, p. 73.

[151] For further comment on this bill v. Support of Colleges, p. 145.

authorized in 1792.[152] The only reference in the succeeding reports of the regents to such an expenditure is in that of the next year when they reported £1500 total aid given to the following academies: Erasmus Hall, Clinton, Union Hall, North Salem, Dutchess County, Farmer's Hall, Montgomery, Washington, Schenectady, and Hamilton-Oneida.[153]

An act of 1801 providing for the raising of $100,000 by four successive lotteries, the money to be divided equally between the common schools and the academies has already been referred to.[154] From 1803 to 1813 the reports of the regents, except for the years 1808 and 1811, make a general statement that they have used their funds for the best interests of literature and that the academies generally need more aid than it is possible to give. In 1808 they reported that they distributed "to the academies $1500, being the interest on such part of their funds as heretofore have been loaned."[155] The report of 1811 contains the statement that "$2,000 will this year be distributed among the academies."[156] Horatio Spafford, in the Gazetteer of 1813, says "The regents annually distribute about $2,000."[157] When the literature fund was put on a permanent basis in 1813[158] the legislature provided[159] that "the regents of the university shall make such distribution of the annual income amongst the several incorporated academies of this state as in their judgment shall be just and equitable, taking into calculation all former or present endowments made by the legislature of this state." In this year the regents reported the distribution of $5,000 among the academies.[160]

No other specifications of the amounts distributed have been found until 1819. The regents then reported[161] that the income from the literature fund was $5288.74, that the money had previously been distributed according to the total number of pupils, but that they had recently adopted a rule to distribute the money in their hands in proportion to the number of pupils receiving a classical education; and that

[152] Laws of N. Y., 1792, Ch. 69.

[153] Rept. of Reg., Feb. 5, 1793, Ass. Journ. 1790–1795, p. 212.

[154] Laws of N. Y., 1801, Ch. 126, v. p. 29, n. 39 and pp. 111–112.

[155] Rept. of Reg. in Ass. Journ., 1808, p. 399.

[156] Rept. of Reg. in Senate Journ., 1811, p. 179.

[157] Spafford's Gazeteer of the State of N. Y., 1813, p. 40.

[158] v. p. 119.

[159] Laws of N. Y., 1813, Ch. 199.

[160] Rept. of Reg. in Ass. Journ. 1813, p. 495.

[161] *Ibid.*, 1819, p. 863.

twenty-five academies were eligible for receiving money.[162] By the report of the previous year there were thirty-eight incorporated academies.[163] Forty-two had been incorporated, but Schenectady and Hamilton-Oneida had been changed to colleges; Otsego was burned in 1809 and not rebuilt, and one other had evidently dropped out. The discrepancy between the number incorporated and the number eligible for funds point to a lack of classical education or a failure to report, since these were the only conditions limiting the eligibility of incorporated academies at this time.

When the literature fund was increased in 1827[164] the regents were directed to distribute the whole amount to such incorporated academies and seminaries, "other than colleges," as were then subject to their visitation and also to such as should by a corporate act place themselves under their control and visitation. The money was directed to be distributed "in proportion to the number of pupils instructed in each academy or seminary, for six months during the preceding year, who shall have pursued classical studies, or the higher branches of English education or both"; and it was enacted that "no pupil shall be deemed to have pursued classical studies, unless he shall have advanced as far at least as to have read the first book of Aeneid of Virgil in Latin; and no student shall be deemed to have pursued the higher branches of an English education, unless he shall have advanced beyond such knowledge of common, vulgar and decimal arithmetic and such proficiency in English grammar and geography as are usually obtained in common schools."[165] In 1836 the regents passed an ordinance that no pupil under ten years of age should be counted as pursuing such studies. The revised statutes of 1827 direct that the regents shall first divide the whole income into eight equal parts and assign one part to each senate district to be distributed in that district according to the above requirements.[166]

This law of 1827 just mentioned carried the promise of a considerable increase in the available school funds and provided a legitimate way for academies otherwise incorporated to place themselves in line for a share. By 1831 nearly all the academies previously incorporated,

[162] *Ibid.*, in Senate Journ. 1819, p. 245.

[163] *Ibid.*, 1818, p. 319.

[164] Laws of 1827, Ch. 228. $150,000 was added v. p. 119–120.

[165] v. Chap. III, p. 47 for interpretation of this act.

[166] Rev. Statutes Pt. I, Ch. XV, Title I, Art. I, Sec. 23.

except a few whose charters expressly debarred them,[167] had been placed on the list of those eligible for state funds. Beginning with this year almost every charter granted by the legislature contained a paragraph to the effect that the school should not be subject to other visitation by the regents nor eligible to a share in the income of the literature fund until it should have complied with all the requisites which would authorize and induce the regents to incorporate it and that it should thereupon be subject to all the regulations and restrictions applicable to academies incorporated by the regents. The requisite for incorporation was that the school should own a completed and properly equipped building and a vested capital producing an income of $250. The "regulations and restrictions" were those incorporated in the law of 1827 relative to curriculum and reports and have been mentioned before.

The amount of money to be dispensed was fixed by law in 1834 and the uses to which it might be put were defined.[168] It was enacted that $12,000 be expended annually to be used exclusively for salaries for tutors; that a sum not to exceed $250 in any one year might be spent, at the discretion of the regents, for the purchase of "textbooks, maps and globes or philosophical or chemical apparatus" for any academy provided the school raise an equal amount; that any excess of revenue might be expended by the regents if they deem it wise, for educating teachers for the common schools under such regulations as they should prescribe.

In an ordinance passed in this year[169] the regents stated that they had previously made the requirement that all the money received from them be used for salaries and that since this requirement had been made a law the annual reports must show that the money had been expended as directed. Notwithstanding this direction the school reports sometimes show that it was used for repairs, for apparatus, or for other purposes. The amounts received by individual schools at this period ranged from $30 to $600. By the same ordinance as above the regents ruled that they would pay no money for books and apparatus until an equal amount had been raised and actually paid over to the school treasurer and that this money must be raised by voluntary subscription and must not be any part of the regular income of the school from funds or tuition.

[167] Laws of N. Y., 1825, Ch. 75; 1828, Ch. 256; 1829, Ch. 219; 1829, Ch. 12; 1831, Ch. 247. See list of Academies Appendix A. under these dates for names of academies disqualified.

[168] *Ibid.*, 1834, Ch. 140 and 241.

[169] Instruction for Academies, 1836, p. 28.

Twenty-three academies applied for money the next year but only ten raised the required collateral. In 1840, however, eighty-eight academies received sums ranging from $20 to $250.[170] An annual and specific report of the expenditure of such money was required by an ordinance of 1836.[171] The amount to be distributed by the regents was increased in 1838 by $28,000 annually from the United States deposit fund, the whole amount to be distributed among the academies in the several senatorial districts.[172] Additional conditions were imposed on the academies at this time, as follows: "No academy shall hereafter be allowed to participate in the annual distribution of the literature fund, until the regents of the university shall be satisfied that a proper building has been erected and finished to furnish suitable and necessary accommodation for such school, and that such academy is furnished with a suitable library and philosophical apparatus,[173] and that a proper preceptor has been and is employed for the instruction of the pupils at such academy; and further, that the regents shall, on being satisfied that such building, library and apparatus are sufficient for the purposes intended, and that the whole is of the value at least of twenty-five hundred dollars, permit such academy or school to place itself under the visitation of the regents, and thereafter to share in the distribution of the moneys above mentioned, or any other of the literature fund in the manner now provided by law. The regents of the university may also admit to such distribution and to any other of the literature fund, any incorporated school, or school founded and governed by any literary corporation other than theological or medical, in which the usual academic studies are pursued, and which shall have been in like manner subjected to their visitation, and would in all other respects, were it incorporated as an academy, be entitled to such distribution."

The sum of $40,000 annually continued to be spent for instruction in academies until after 1850, additional sums being appropriated for equipment of various sorts. By special appropriation bills in the years 1847–1850[174] the following sums were designated to be distributed

[170] Rept. of Reg. 1840, p. 28.

[171] Instructions for Academies 1836, p. 32.

[172] Laws of N. Y., 1838, Ch. 237.

[173] This clause was interpreted by the regents by an ordinance of 1849 to require a library actually paid for and installed to the value of at least $150. Instr. from the Regents for Academies Ed. 1849.

[174] Laws of N. Y., 1847, Ch. 258; 1848, Ch. 236; 1849, Ch. 174 and 301. By the constitution of 1846 it was made necessary to specify in an appropriation bill all money expended for any purpose.

by the regents among the academies under their control: for each of the years 1847 and 1848, $13,000 from the literature fund and $27,000 from the United States deposit fund; for 1849 and 1850, $15,000 from the literature fund and $25,000 from the United States deposit fund. For books and apparatus under the conditions imposed by the law of 1834, $3,700 was directed to be spent for 1847 and 1848 collectively, $1,500 for 1849 and $3,000 for 1850. To establish and equip observatories in the academies $1,500 was designated for each 1849 and 1850. Out of the income of the literature fund or the United States deposit fund, not otherwise appropriated, $250 was assigned for the years 1850 and 1851 to an academy in each county provided such academy had instructed in the science of common school teaching at least twenty individuals for at least four months during each year.[175] The regents' report of 1850[176] shows that the academies received $40,000 from the state funds and $227,576, from tuitions from which it appears that the state contributed less than one-fifth to the expenses of these schools.

Besides the state funds distributed through the regents, the legislature made specific grants of land or money to a considerable number of individual academies.[177] The land grants were generally made with a provision similar to the following: "That it shall be the duty of the trustees of the aforesaid academy, whenever they shall sell the said lot, or any part thereof, to loan the money arising from such sale, on landed security to double the value of the sum so loaned, and on the payment of any such loan, again to reloan the same, forever, and appropriate the interest arising from such loans forever to the support and maintenance of instruction in said academy."[178] A few acts specified that the land granted might be sold and the money used for building purposes. It was evidently not always easy to realize on the land. Several grants were made about 1825 which were followed within a year or two by acts granting to the school a lump sum on condition that lands be reconveyed to the state, or that, when such lands should be sold the money should be paid to the state treasury and not to the schools. Until 1828 most of the benefactions were grants of lands;

[175] v. Chap. IV, pp. 73–74 for Normal Departments in academies.

[176] Rept. of Reg. 1850. The charter of the Schenectady Lyceum and Academy stipulated that so long as the school received anything from the literature fund it should take free of charge from every town in Schenectady county, one pupil who should pursue classical or higher English branches the pupil to be named by the inspectors. (Laws 1837, Ch. 95.)

[177] v. List of grants, Appendix B.

[178] Laws of N. Y., 1813, Ch. 199.

after 1830 the aid given was generally a loan. In several cases the money was directed to be repaid by assessing a special tax on the town.

Such an instance occurred in 1833 when it was provided that the money in the hands of the supervisor and poor masters of the town of Oswegatchie be paid to a board of commissioners thereafter named and that the supervisors of St. Lawrence county levy on taxable property of Oswegatchie as other taxes were levied, enough to raise this sum to $2,000, provided the inhabitants of the town first raised $2,000 by subscriptions or otherwise. This $4,000 was directed to be used for a lot and building suitable for an academy, in which building there should be a suitable place for public meetings of the inhabitants of the town which should always be used free of charge. The supervisor, town clerk, president and clerk of board of trustees of the village were to be official trustees of the academy. Moreover, each school district in the town was to be entitled to a credit on the tuition of any scholars from that district to the amount of the interest on the tax paid by them under the above provisions.[179] Ogdensburgh Academy was the school which resulted from this act. St. Lawrence Academy, Canton, Franklin, Lowville, and Sandy Hill Academies and Gouveneur High School were the objects of similar provisions.

In the double character of elementary and secondary schools the academies occasionally drew money from both the common school fund and the literature fund. Erasmus Hall was granted the school money belonging to that part of Flatbush known as "Old Town," to be applied for the education of poor children belonging to the said district who were sent to the academy. The trustees were required to report to the school commissioners as well as to the regents. The trustees of Montgomery Academy, Farmer's Hall and Oyster Bay were made trustees of the school district with power to receive and expend money from the common school fund. In the last two instances this action was subject to the approval of the inhabitants and forfeited at the end of six years unless renewed.[180]

Support of Colleges

There was no regular support accorded to the schools for higher education before 1850. Many concessions were made to individual colleges before 1820 and considerable appropriations were made from the United States deposit fund after 1838 but there was no permanent

[179] *Ibid.*, 1833, Ch. 249.

[180] v. Chap. V, p. 99 for further mention of these schools as part of the common school system.

fund yielding an annual revenue for the benefit of colleges which was comparable to the common school and the literature funds. Colleges and medical schools shared in the monies appropriated, but theological schools were never recognized as proper objects for state aid.

Of the money expended for higher education, Columbia and Union Colleges received the lion's share. In 1787[181] the legislature authorized a loan of £2552 to Columbia; in 1790[182] £1000 was voted to the regents for the use of "Columbia College and the academies already incorporated." By the same act two considerable tracts of land were set apart for the specific use of colleges and academies. The act states that "Whereas it is the duty of a free and enlightened people to patronize and promote science and literature as the surest basis of their liberty, property and happiness, and Whereas the regents of the university in their annual reports . . . have represented that Columbia College as well as the respective academies incorporated by the said regents require aid and encouragement to remove the impediments under which they labor from a deficiency of their funds notwithstanding the contributions of individuals, and it appearing to this legislature, that a portion of the public property will be wisely and usefully employed, in enabling the said regents to remove those disadvantages, and to proceed with greater energy and success in accomplishing the important office assigned them by law as the guardians of the youth of this state . . . therefore, a tract of land in Washington County, at the south end of Lake George and also Governor's Island be granted to the regents to lease for limited terms and to use the profits for the advancement of science and literature in the above mentioned college and in academies already incorporated and hereafter to be incorporated." Governor John Jay[183] sent to the legislature a special message in 1796 containing an extract from the minutes of the regents in which they recommend that since they were not authorized to sell or lease, in perpetuity, the land granted in 1790 and since it had hitherto been unproductive of income and probably would not be adequate to the purpose for which it was intended, the legislature resume the grant, sell the property and appropriate the avails to such literary institutions as the legislature should see fit. No action, however, was taken. Six years later an

[181] Laws of New York, 1787, Ch. 82.

[182] *Ibid.*, 1790, Ch. 38. The report of the regents the following year states that half this money went to Columbia, half to the four incorporated academies. Assembly Journal 1791, p. 73.

[183] Governor's Message 1796.

amendment[184] to the "Act for the encouragement of literature passed in 1790" provided that "Whereas it appears from a report of the surveyor-general that the grant of a certain tract of land in Washington county adjoining the south end of Lake George to the regents of the University . . . interferes with the bounds of lands previously granted and the regents have prayed for a grant of other lands adjoining the the same in lieu thereof" therefore the regents should be vested with certain other lands in the vicinity of Lake George keeping those already granted at Ticonderaga and Crown Point. Although the lands were originally destined for Columbia College and the academies the regents were now authorized to grant them "to the trustees of Columbia and Union Colleges in such proportions as they shall deem just and reasonable." Columbia College was given £7900 in 1792 for the following purposes, £1500 for enlarging the library, £200 for chemical apparatus, £1200 to "build a wall necessary to support the grounds of the college," £5000 to erect an additional wing and in addition £750 yearly for five years for salaries.[185] Governor Clinton's message of this year contains a paragraph which indicates that state aid to educational institutions was viewed quite as a matter of course. "As the diffusion of knowledge is essential to the promotion of virtue and the preservation of liberty the flourishing condition of our seminaries of learning must prove highly satisfactory and they will, I am persuaded, be among the first objects of your care and patronage and receive from time to time such farther aid and encouragement as may be necessary for their increasing prosperity."[186]

In 1795 Union College was granted £1500 "as a free and voluntary gift on the part of the people of this state to be by them applied to the purchase of an apparatus of the instruments and machines for illustrating lectures in astronomy, geography, and natural philosophy and the residue, if any, to be applied to the purchase of such books for the use of the said college as the trustees may think proper."[187] In 1796 the

[184] Laws of N. Y., 1802, Ch. 105. Governor's Island mentioned in the origina act was resumed by the state so that no profit accrued to the college. (Senate Journal 1814, p. 154). The lands were estimated as comprising 2889 acres (Assembly Journal 1814, p. 123.)

[185] *Ibid.*, 1792, Ch. 69. The Regents' report of this year suggests that money appropriated be expended only for salaries, philosophical apparatus, books and scholarships for indigent "youths of genius." Assembly Journal 1792, p. 212.

[186] Governor's Message, 1792, Jan. 5.

[187] Laws of N. Y., 1795, Ch. 76.

sum of £750 annually to Columbia was continued for two years and £4000 was granted to Union College for buildings.[188] In 1797, $750 was appropriated annually to Union College for two years for salaries;[189] by the same act Columbia received $500 annually during the pleasure of the legislature for an anatomical museum and the service of the professor of anatomy as curator.[190]

The trustees of Union College in 1800 were given permission to borrow, on the credit of the state, $10,000 to complete the college edifice and to establish a fund for the support of professorships "the legislature within two years to make provision for the repayment of the money together with the interest." At the same time the college was granted ten of the lots reserved for literature, according to the act of 1789[191] on condition that if the lots be sold the proceeds be properly invested and the revenue be used for the support of the professors and president of the college.[192] This act was amended in the following year making it legal for the bank of Albany to loan the aforesaid money to the college at 7% and for the treasurer of the state to pay annually to the trustees the interest which should accrue on the sum borrowed.[193] In 1810 the money was directed to be paid in full by the Comptroller to the bank of Albany.[194]

The next concession to Union College was permission to raise $80,000 by a lottery.[195] The grounds for this grant are thus stated in the pre-

[188] *Ibid.*, 1796, Ch. 57. The report of the regents and the accompanying appeal from the trustees of Columbia was "earnestly recommended" to the notice of the legislature by Governor Jay in a special message March 14, 1796.

[189] *Ibid.*, 1797, Ch. 65.

[190] In 1811 (Ch. 246) this money was directed to be paid to the regents for the benefit of the College of Physicians and Surgeons. This action was taken in response to a report of the regents laid before the legislature by a special message of Governor Jay. The report stated that Wright Post, Professor of anatomy at Columbia had made a trip to Europe to secure materials necessary for an adequate teaching of anatomy and that since a perfect understanding of anatomy was essential to medical knowledge money ought to be appropriated for maintaining and adding to the collection and for paying Prof. Post for his care. (In Governor's Messages ed. by C. Z. Lincoln II, p. 389–390.)

[191] Laws of New York, 1789, Ch. 44. These were in the Military Tract in Onondaga Co.

[192] *Ibid.*, 1800, Ch. 19.

[193] *Ibid.*, 1801, Ch. 71.

[194] *Ibid.*, 1810, Ch. 53.

[195] *Ibid.*, 1805, Ch. 62. The report of Union College in 1813 states that a classical library had been established; a fund of $10,000 for indigent students and a fund of $35,000 for the support of officers of the college had been invested. Report of Regents in Ass. Journ. 1813, p. 131.

amble of the act; "The trustees of Union College have by their petition presented to the legislature represented that a plan of education and government has been lately adopted in the college different from that which was originally intended, and which in its consequences affords the most flattering prospects of extensive and permanent usefulness; that such plan will unavoidably require the erection of additional buildings and increased number of professors; and that the present funds of the college are inadequate; and . . . . . it appears to the legislature that by a liberal endowment of seminaries of learning, science and literature the surest basis of the liberty, prosperity and happiness of the people will be promoted." It was accordingly enacted, that there should be raised "by four successive lotteries, the sum of $80,000 that is to say the sum of $20,000 by each lottery, with the addition of 10% on such sum for the expenses accruing thereon." Of this amount $35,000 was authorized to be spent for the erection of buildings, $35,000 to be invested and the annual income to be applied to the support of professorships, and the residue to be invested and one-half the income used "for the establishment and maintenance forever of a classical library, from which all the students shall be furnished with books which they are required to study—paying for the use of the same $1.50 per quarter—and all indigent students . . . shall during good behavior be furnished with books necessary for pursuing their education." The remaining half of the income was to be used "toward defraying the expenses of such scholars as may be from time to time, pursuing their education in such seminary." This concession for lotteries was made on condition that the charter be amended by the regents so as to reduce the number of trustees to twenty-one, the chancellor, justice of the supreme court, secretary, comptroller, treasurer, attorney-general and surveyor-general being ex-officio trustees; and that the regents fill all vacancies. The managers of this lottery were authorized[196] later "to raise an additional sum of $5,000 by each of the said lotteries and to pay the same to the regents of the University for the endowment of the College of Physicians and Surgeons."

In 1810[197] the commissioners of the land office were empowered to purchase "at a fair and equitable valuation" the botanic garden of Dr.

[196] Laws of New York, 1809, Ch. 9.

[197] *Ibid.*, 1810, Ch. 50. In 1806, Gov. Lewis urged that some support be accorded the private botanic garden of Dr. Hosack, lecturer on botany "without compensation," giving as his reason that "In a country young as ours the experimental sciences cannot

David Hosack, the money for the same to be raised by a lottery and the garden to be held by the regents for the benefit of physicians and medical students of the state. The College of Physicians and Surgeons of the Western District was endowed,[198] in 1812, with bonds and mortgages . . . for lands . . . sold on the late Oneida reservation to the amount of $10,000 . . . : Hamilton College was endowed in the same way[199] to the extent of $50,000, the interest to be paid on the said bonds and mortgages but the principal not to be demanded for ten years.

An act sanctioning a lottery "for the promotion of literature,"[200] was passed in 1814, the amount raised to be sufficient to cover the following appropriations: $100,000 to Union College for buildings, $30,000 for paying a debt already contracted, $20,000 for increasing the library and augmenting the philosophical and chemical apparatus and $50,000 to be invested as a fund for the help of indigent students; $40,000 to Hamilton "to be applied . . . as the interest of the college may require; $4,000 to the Asbury African Church to pay a debt and establish a school; and $30,000 for the endowment of the College of Physicians and Surgeons of New York City. Columbia's only plum was the Botanic Garden previously purchased, which grant was made on the express condition that the college be removed to land adjacent within twelve years, a proviso which was later repealed.[201]

The inability of Hamilton College to realize promptly on their endowment of 1812 or the lottery of 1814 led to an appropriation of $10,000 in 1817[202] the same to be deducted from its share when the lottery should be completed. A similar act[203] granted an immediate payment of $20,000 to the College of Physicians and Surgeons of New York City on the same terms. In 1819[204] Columbia College was granted $10,000 to be expended at the direction of the trustees; and in 1820 the College

be expected to arrive at any degree of excellence without the patronage and bounty of the government, for individual fortune is not adequate to the task." Governor's Message, Jan. 1806.

[198] Laws of N. Y., 1812, Ch. 222.

[199] *Ibid.*, 1812, Ch. 237.

[200] *Ibid.*, 1814, Ch. 120.

[201] *Ibid.*, 1819, Ch. 19.

[202] *Ibid.*, 1817, Ch. 91.

[203] *Ibid.*, 1817, Ch. 109. The Comptroller borrowed this money at 7% and in 1822 (ch. 134) was authorized to effect a new loan if it could be made at a lower rate of interest.

[204] *Ibid.*, 1819, Ch. 19.

of Physicians and Surgeons of the Western District was granted $1,000 a year for five years.[205]

From 1820 to 1838 no money was spent by the state for higher education. This was the period of development of common schools and academies rather than of colleges. Governor Clinton, in 1826, said "The infant college of Geneva . . . has never experienced public bounty. As the establishment of an institution of this kind imposes an obligation to make suitable provisions for its support, I presume you will not hesitate to take it under your liberal patronage." A senate committee reported in favor of granting aid to the college but the bill was lost.[206] In 1830 Governor Thompson made another appeal for this college which had received, he said "no other favor from the state than its charter" but no aid was forthcoming. It was not until after the income from the United States Deposit Fund became available that any further support was given to the colleges by the state.

In 1837, when the question as to the distribution of this income arose the Senate asked for a report from the Comptroller on the amounts previously appropriated and advanced by the state to colleges and academies except the annual distribution of the literature fund. The following report was made, with the statement that where lands were granted there was no means of estimating the value. Some discrepancies, which are noted below, appear between the appropriations or grants made by the legislature and the sums here reported as paid.

REPORT OF COMPTROLLER, 1837[207]

Columbia College[208]		
1784	$ 6,380.00	
1792	19,750.00	
1792	1,875.00	annually for 5 years
1796	1,875.00	annually for 2 years
1800–1810	500.00	annually for anatomical department
1816–1817	74,268.75	raised by lottery for the Botanic Garden
Union College[209]		
1800	$10,000.00	
Raised by lottery and paid	80,000.00	
Raised by lottery and paid	68,091.42	

[205] *Ibid.*, 1820, Ch. 121.

[206] Messages from the Governors ed. by C. Z. Lincoln, Vol. III, p. 117 and note.

[207] Quoted in Senate Doc. 1856, Vol. I, No. 32.

[208] Additional items appropriated to Columbia were: 1790, £500 (v. ante p. 145 and note 182); 1819, $10,000 (v. ante p. 149.) It would seem as if this could not have been paid.)

[209] A report from Union College (Ass. Jour. 1814, p. 123) gives the following additional sums paid to that College: In 1793, $3,750; 1796, $10,000; 1797, $1,750 annually for 2 years.

To be raised	215,908.58
The lots in the Military Tract	5,500 acres
College of Physicians and Surgeons New York City:	
Raised by lottery and paid	$20,000.00
Raised by lottery and paid	9,011.59
To be raised	33,588.41
$1,500 per year for anatomical department transferred from Columbia and paid for 14 years	7,000.00
College of Physicians and Surgeons of the Western District:	
Mortgages on Oneida lands	10,000.00
1820–1824 $1,000 annually	5,000.00
Hamilton College:	
Mortgages on Oneida lands	50,000.00
Raised by lottery and paid	21,233.28
To be paid	35,655.72

Beginning with the next year, 1838, a part of the income of the United States Deposit Fund was regularly apportioned among some of the institutions for higher education. Columbia and Union Colleges for which considerable appropriations had been made in earlier years did not share in this distribution. The chief beneficiaries, as the following table shows, were the University of the City of New York, Geneva and Hamilton Colleges and the various medical schools.

1838	(Ch. 237)	Geneva	$6,000	a year for 5 yrs. and until otherwise directed by law
		Univ. of City of N. Y.	6,000	
		Hamilton	3,000	
1841	(Ch. 221)	Albany Medical College	5,000	a yr. for 3 yrs.
1841	(Ch. 223)	Geneva Medical College	5,000	a yr. for 3 yrs.
1844	(Ch. 279)	Albany Medical College	1,000	a yr. for 5 yrs. and until otherwise directed by law.
		Geneva Medical College	1,000	a yr. for 5 yrs.
		Univ. of City of N. Y.	3,900	a yr. for 5 yrs.
1847	(Ch. 258)	Univ. of City of N. Y.	2,000	a yr. for 2 yrs. (1847 and 1848)
		Albany Medical	1,000	a yr. for 2 yrs.
		Geneva Medical	1,000	a yr. for 2 yrs.
		Univ. of Buffalo Medical	1,000	a yr. for 2 yrs.
		Univ. of City of N. Y.	3,000	for 1 yr. (1847)
		Geneva College	3,000	for 1 yr. (1847)
		Hamilton	1,500	for 1 yr. (1847)
1848	(Ch. 236)	Geneva	3,000	a yr. for 2 yrs. (1848 and 1849)
		Univ. of City N. Y.	3,000	a yr. for 2 yrs. (1848 and 1849)
		Madison Univ.	3,000	a yr. for 2 yrs. (1848 and 1849)
		Hamilton	3,000	a yr. for 2 yrs. (1848 and 1849)
		St. John's Fordham	3,000	a yr. for 2 yrs. (1848 and 1849)
	(Ch. 7)	Physicians & Surgeons N. Y.	500[210]	
1849[211]	(Ch. 301)	Physicians & Surgeons N. Y.	1,000	for 1849
		N. Y. Medical	1,000	for 1849
		Geneva Medical	1,000	for 1849

[210] This was not from the United States Deposit Fund, but was included in a bill making appropriation for the expenses of the government.

[211] A proviso was made that no money out of those sums be applied to theological departments. The state did not at any time give aid to schools for theological training. It did, however, give state aid to academies and elementary schools maintained by various religious sects.

Buffalo Medical	1,000	for 1849
Univ. of City of N. Y.	2,500	from Aug. 1, 1849–Aug. 1, 1850
Geneva	2,500	from Aug. 1, 1849–Aug. 1, 1850
St. John's	2,500	from Aug. 1, 1849–Aug. 1, 1850
Madison	2,500	from Aug. 1, 1849–Aug. 1, 1850
Hamilton	2,500	from Aug. 1, 1849–Aug. 1, 1850

CHAPTER VII

Education of Special Classes

Education of Indians

The Indians most conspicuously associated with the early history of the State of New York were the Six Nations who were originally the proprietors of a large part of the state land. Of the tribes which comprised these nations the Mohawks emigrated to Canada about 1776, and most of the Cayuagas followed in 1796, leaving behind the Oneidas, Onandagas, Senecas and Tuscaroras.[1]

Besides these tribes there were the St. Regis Indians, a branch of the Mohawks, in the northern part of the state, and the Shinnecock Indians on Long Island. In the years from 1785 to 1788 the Stockbridge Indians came from Massachusetts under the leadership of their pastor, the Rev. John Sargent, and settled at New Stockbridge. A tract of land six miles square in Oneida and Madison Counties was given them by the Oneida Indians, a grant which was confirmed by the legislature in 1789.[2] By this same act a grant previously made to the Brotherton[3] Indians[4] was also confirmed and the name of Brothertown was given to their settlement. The Stockbridge and Brothertown

[1] A Report to the Secretary of War of the United States on Indian Affairs comprising a narrative of a tour performed in the summer of 1820 under a commission from the President of the United States, Rev. Jedediah Morse. New Haven 1822, p. 76.

[2] Laws of N. Y., 1789, Chapter 32, Sec. 17.

[3] Two spellings are found for this name. The Indians seem to have been called Brotherton Indians; their settlement, to have been called Brothertown.

[4] These Indians were the remnants of various tribes from New Jersey, Long Island, Connecticut and Rhode Island. The act cited (1789, Ch. 32) speaks of them as "the New England Indians and their brethren consisting of the tribes called the Mohegan, Montauge, Stonington and Narraganset Indians and the Pequots of Groton and the Nehanticks of Farmington." Pomeroy Jones in Annals and Recollections of Oneida Co. (p. 890) says that they came from New Jersey and Long Island in 1768 when the Governor and Commissioners of New Jersey purchased 30,000 acres of land for them from the Oneida Indians. A group of 192 came from Rhode Island and Connecticut in 1786 under an educated Mohegan, Rev. Samson Occum, according to F. B. Hough, U. S. Bureau of Ed. Special Rept. 1888.

Indians, retreating again before the encroachments of civilization, emigrated between 1820 and 1830 to Green Bay, Wisconsin.[5] The total Indian population in New York during the first half of the nineteenth century ranged, according to report, from 3700 to 5000 persons,[6] the number rising after peace was established but falling off again after the Indians began to emigrate to the western lands.

Only a few scattered references to the education of Indians are to be found in the early legislation of New York. Most of these occur between 1790 and 1810. No definite action to bring the Indians under the influence of the state system of schools was taken until 1846. Of the early acts, only one made an outright appropriation of money. The others directed that a certain portion of the annuities paid by the state in return for land surrendered by the Indians be used for the support of schools or gave permission for the leasing or sale of lands for the same purpose.

By an act of 1791[7] the Indians of Brothertown and New Stockbridge were given the right to elect three trustees who should apportion land for separate improvement among the Indian families and also, with the consent of the Mayor of Albany, lease land to the amount of 640 acres and apply the rents to the maintenance of a minister and a free school for the instruction of the Indians. This act was repealed in the following year, so far as it related to the Stockbridge Indians.[8] No records have been found to indicate that the contemplated action in the interests of education among the Brotherton Indians was taken. Some land disputes having arisen in connection with the leasing of certain lands which were granted to the Brotherton Indians in 1789,[9] commissioners were appointed to settle such disputes, to sell certain lands previously leased and to invest the proceeds in the funds of the United States appropriating "so much of the interest as may be necessary . . . annually . . . for maintaining a school in Brothertown for the education

[5] Ass. Doc. 1846, No. 158.

[6] Bureau of the Census. Extra Census Bull. 1892, by Donaldson, The Six Nations of N. Y., gives the following table.

1796	(J. Morse)	3748
1819	(N. Y. Legislature)	4538
1825	(U. S. Sec. of War)	5061
1845	(U. S. Indian Office)	3884
1855	(New York State Census)	3774

[7] Laws of N. Y., 1791, Ch. 13.

[8] *Ibid.*, 1792, Ch. 73.

[9] v. p. 153., note 2.

of Indian Children."[10] An act of the next year[11] relates that from the land thus sold a net amount of £14,405 6s 8d was realized and authorizes the treasurer of the state to pay annually £864 6s 4d being the interest at six per cent on the said amount, "to the Governor who shall apply as much as is necessary to the erecting and maintaining of a school in Brothertown and the rest to the benefit of these Indians as he shall think proper."

The annual interest due the Brothertown Indians is stated, in an act of 1801, as $2160.79 of which amount the Governor is again directed to expend "as much as he deems necessary," in maintaining a school for the education of Indian Children.[12] Evidently there was a schoolhouse in the settlement at this time for by the same act any Indian living near the schoolhouse was authorized to sell to the Peacemakers of the tribe not more than twenty-five acres for the "use and accommodation of the master of the school." In 1806 these Indians petitioned to be allowed to lease, buy or set apart from their undivided lands a sufficient lot for the erection of a house of public worship and other buildings necessary for the education of their children. The petition was granted and further, the Governor was instructed "to defray the expenses of the education and if necessary the support of the said children" out of the annuity due the tribe.[13] The revised statutes of 1813 state that in case such action shall be taken the Governor may also pay the cost of erecting a building.[14] Whatever attempts may have been made to educate and civilize these Indians seem to have been unavailing for in 1818 the Rev. Mr. Sargent reported that they had become "perhaps more corrupt than any other Indians in the country."[15] As has been said, they emigrated to the west about 1823 and do not appear again in the New York records.

The Stockbridge Indians petitioned in 1804 for the right to lease 1000 acres of their land for the purpose of a school or schools. The petition was granted, and the rent was fixed at the rate of "30 bushels of good merchantable wheat, at the market price in Albany,[16] to every hundred so to be leased." The income was to be paid to the state

[10] Laws of N. Y., 1795, Ch. 41. This was the year of the passing of the first law for the establishment of common schools.

[11] *Ibid.*, 1796, Ch. 22.

[12] *Ibid.*, 1801, Ch. 147, Sec. 8.

[13] *Ibid.*, 1806, Ch. 161.

[14] *Ibid.*, 1813, Ch. 98.

[15] Jones, Annals and Recollections of Oneida Co. p. 893.

[16] The price was afterward permanently fixed at $1.00 a bushel. Laws of N. Y., 1804, Ch. 41.

treasurer who was authorized to pay "to the schoolmasters such sums as shall be certified by the Peacemakers of New Stockbridge and their missionary, if any they shall have, to be due such schoolmasters for their services in instructing Indian children."[17] There was evidently difficulty in collecting this rent for in 1810 the state treasurer was directed to pay the given sum to the Indians from an unappropriated money in the treasury, even if the rent had not been collected.[18] In 1806, they were given permission to make "such further provision as they shall judge necessary for the better education of the Indian children of New Stockbridge."[19] It seems likely, in the absence of further data, that their school fund dates from these two acts. A legislative report of 1848 records that they had a gospel and school fund of $6000 at the time of their migration to Wisconsin all of which was spent in establishing new homes. The state was urged to remedy certain injustices done in the sale of Indian land and appropriate enough money so that they could create a new school fund of equal amount.[20] The legislature accordingly appropriated $10,000 of which $6000 was to be invested and the interest at 6% to be paid annually to the chiefs of the tribe for "the support of schools and their moral and religious education."[21] An additional $30,000 was appropriated in 1850 on which interest at 6% was to be paid annually to the tribe to be expended in promoting the Christian religion, general education, agriculture and other mechanic arts . . . and in promoting the general welfare of their tribe and nation."[22]

An act for the better support of the Oneida, Onondaga and Cayuga Indians" in 1795[23] provided that "a part" of the annuities guaranteed to these Indians from the sale of their lands be appropriated by the Governor "for the maintenance of the public school in each tribe." The amount of the money to be thus spent is not specified but some money must have been expended for in 1800 the Oneidas complained that a part of their tribe received no benefit from the money because of their remoteness from Oneida Castleton and the Governor was authorized to see that the money was fairly distributed.[24] A comprehensive

[17] Laws of N. Y., 1804, Ch. 7.
[18] *Ibid.*, 1810, Ch. 152.
[19] *Ibid.*, 1806, Ch. 161.
[20] Ass. Doc. 1848, No. 158.
[21] Laws of N. Y., 1848, Ch. 208.
[22] *Ibid.*, 1850, Ch. 37.
[23] *Ibid.*, 1795, Ch. 70, Sec. 3.
[24] *Ibid.*, 1800, Ch. 101.

act "relative to Indians," of the year 1801[25] continued the arrangement previously made providing that such part of the annuities due to Oneida, Onondaga, and Cayuga Indians as the Governor should direct be "appropriated to the support of the public school, if any, instituted within the limits assigned to the said tribes."

An act of 1802[26] gave the St. Regis Indians permission to appoint three men as trustees of the tribe with power to lease the ferry over the St. Regis river and one mile square of land adjoining for a term of not more than ten years and to apply the rents "for the support of a school for the instruction of the children of the said tribe . . . . . and for such other purposes as the trustees shall judge most conducive to the interests of the tribe."

The one act which appropriated money was passed in the interest of the Seneca and Tuscarora Indains in 1802[27] and directed that $1500 be appropriated out of which one house, called the church and school house, was to be erected in each of the villages of the Tuscarora and Seneca Indians. No record has been found to show whether the money was used as directed.

The school act of 1812 made no reference to Indians except to stipulate that in the district enumeration of children by the trustees "Indian children otherwise provided for" should not be counted.[28] This apparently did not debar from the schools isolated Indians outside of the reservations, for in 1846 an act was passed stating that trustees should not enumerate Indian children between the ages of five and sixteen residing in their districts unless they had attended schools at least three months during the year preceding the date of the report.[29] It is obvious that the state was not very active in furthering Indian education but owing to a scarcity of records it is difficult to form a correct estimate of what was actually done. With no exact requirements and the decision left to the Governor as to the amount to be expended it is not likely that the support was lavish. Fortunately the Indians were not wholly dependent on the state for instruction.

In the early eighteenth century the agents of the society for the Propagation of the Gospel in Foreign Parts attempted to combine some

[25] *Ibid.*, 1801, Ch. 147, Sec. 8.

[26] *Ibid.*, 1802, Ch 58.

[27] *Ibid.*, 1802, Ch. 58.

[28] *Ibid.*, 1812, Ch. 242, Sec. 17. This clause remained in the successive revisions of the law including the revision of 1846.

[29] *Ibid.*, 1846, Ch. 45, Sec. 1.

instruction in reading and writing with their religious teaching but the reports indicate that the savages did not respond readily to the overtures made.[30] The Rev. Samuel Kirkland began his labors among the Oneidas in 1766.[31] He continued for many years with this tribe and after the Revolution prepared a scheme of education which contemplated a high school and primary schools for instruction in reading and writing in the English and Oneida languages and rudiments of arithmetic. The high school was intended for whites and Indians and was incorporated in 1783 as Hamilton-Oneida Academy.[32]

The New York Missionary Society established a mission on the Cattaraugus[33] reservation in 1801 which was transferred to the American Board of Foreign Missions in 1826. This Society supported for some years a girls' boarding school. The first frame school house was built in 1831.[34] The Society of Friends interested themselves in the New York Indians shortly after the Revolution. The first record of their schools is in connection with the name of Joseph Elkinton who went to live among the Senecas in 1816 and remained for sixteen years. During this time he is said to have been "engaged in teaching and in supertending schools taught by others."[35] At some unnamed date, Ebenezer Worth is said to have directed three schools on the Allegany reservation with sixty children in attendance.[36]

The Rev. Jedediah Morse reported in 1822[37] that the population of the Six Nations was at that time 4575, that they dwelt on fourteen reservations scattered through the state and that their scattered situation rendered the task of adequately educating them on the available funds extremely difficult. He further reported that the Stockbridge Indians had had schools for several generations supported in part by the Society in Scotland for Propagating the Gospel, in part by the Cor-

[30] U. S. Bureau of Education, Special Report 1888. Fletcher, A. C. Indian Education and Civilization, p. 86.

[31] *Ibid.*, p. 89. The Indians converted by Mr. Kirkland were called the "First Christian Party of the Oneida Nation." Another group converted later by Mr. Eleazer Williams was called the "Second Christian Party." Pomeroy Jones, Annals and Records of Oneida.

[32] *Ibid.*, p. 89–90. See also Sparks J., Library of American Biography, Life of Samuel Kirkland. Second Series, Vol. XV, pp. 340–346.

[33] This was a reservation of the Senecas.

[34] Fletcher: Indian Ed. and Civ. p. 561, note 2.

[35] Buffalo Hist. Soc. Proc. for 1914, Vol. 18, p. 181. The Quaker Missions.

[36] *Ibid.*, p. 184.

[37] Rept. to the Sec. of War, by the Rev. Jedediah Morse, 1822, p. 77–87.

poration of Harvard College and in part by the American Society for Propagating the Gospel. "Most of them understand the English language," he wrote, "numbers can read and write it and several are able to instruct others." Schools under the charge of missionaries were also reported among the Tuscaroras, the Onondagas and Senecas. Mr. Young, the instructor among the Senecas is quoted as reporting a usual attendance of forty-five children through the winter. His wife had also established a school for female adults "in domestic branches of knitting, spinning, sewing and marking," which was attended by fifteen or twenty women. In a tabulated statement of Indian Schools in the country Mr. Morse mentions only the following five in New York State:[38]

NAME OF TRIBE	WHERE LOCATED	WHEN COMMENCED	BY WHOM FOUNDED AND SUPPORTED	NUMBER OF SCHOLARS	ALLOWANCE FROM U. S. GOV.	REMARKS
Oneidas	Oneida N. Y.	Dec. 1820	Hamilton Baptist Society, N. Y.[39]	40-50		These Indians have had missionaries among them for many yrs.
Stockbridge	New Stockbridge	Many years ago	Society in Scotland & Soc. for prop. the Gospel & Harvard College	Two Schools		
Senecas and Onondagas	Buffalo	Sept. 1819	N. Y. Miss. Soc. & United Foreign Miss. Soc.	40-50	$350	Lancastrian Mode of instruction is used
Onondagas	Onondaga Hollow	1820	Mary Doxtater[40]	a few		
Tuscarora	Lewiston, N. Y.	1819	United For. Miss. Society	45-50	$350	

[38] *Ibid.*, p. 392–396.

[39] A patent was issued to this Society in 1821 (Ch. 138) in consideration of money paid for a certain lot in Oneida Castleton to be used for building a dwelling for a teacher for the Oneida Indians.

[40] Mary Doxtator was an Indian woman who had been educated in Philadelphia. Having married and been left a widow she opened a school at Oneida where she taught Indian women to weave and spin, and a similar one among the Onondagas. J. V. H. Clark, Onondaga, Vol. II, p. 240.

From the absence of data it would seem as if both missionary and state endeavor were at a low ebb between 1820 and 1846. An act was passed in 1831[41] for the relief of the Shinnecock Indians directing that $80 be paid annually for three years to the commissioners of Southampton to be expended in paying the wages of a competent teacher to instruct the children belonging to this tribe, but the appropriation was not continued at the expiration of the three years.[42] An attempt was made to make some provision for common schools among the Onondaga Indians in 1841[43] when the commissioners of any town in which such Indians resided were directed to set off the territory occupied by them into a separate school district, to appoint three chiefs as trustees to whom the state was directed to pay $50 annually for the payment of teachers' wages.

A share in the proceeds of the common school fund was accorded the Indians in 1846[44] by the passage of an act providing that "the town superintendent of any town in which a school for the instruction of Indian children in the elementary branches of education shall have been maintained under the charge of a competent teacher, for at least four months during the preceding year" should pay to the teachers of such schools their due proportion of the public money in proportion to the number of children instructed for an average period of three months. This act was repealed in 1847[45] its provisions apparently being considered unnecessary after the passage of a bill making appropriations from the United States Deposit fund for the benefit of schools on Indian reservations.[46]

This latter bill included provisions for the Onondagas, the Indians of the Cattaraugus and Allegany reservations[47] and for the St. Regis Indians. The following sums were appropriated: $300 for erecting and furnishing a school house on the Onondaga reservation and $250 annually for five years for the payment of a teacher and other expenses; $300 for building and furnishing a school on the Cattaraugus reservation and $350 annually for five years for support; a like sum for a building on the Allegany reservation with $300 annually for five years for support; $250 for a building on the St. Regis reservation and $200 a year for five

[41] Laws of N. Y., 1831, Ch. 164.
[42] It was revived in 1848 see p. 162 note 54.
[43] Laws of N. Y., 1841, Ch. 234, Sec. 10.
[44] *Ibid.*, 1846, Ch. 45.
[45] *Ibid.*, 1847, Ch. 208.
[46] *Ibid.*, 1846, Ch. 114.
[47] These were chiefly Seneca Indians.

years for support. These sums were payable only on the filing of bonds by agents of the said reservations or by men appointed for this duty, with satisfactory sureties approved by the state superintendent and the filing of all receipts and expenditures by the said agents. It was also required that before any annual payment be made, except in the case of the Onondaga Indians,[48] evidence should be presented that school had been kept in the said school houses for at least six months of the preceding year. In the case of the Allegany and St. Regis Indians it was further required that twenty per cent of the amount appropriated for support be paid by the Indians on the reservation to the agent in charge before any money could be expended.

The agents of the Onondaga and St. Regis Indians gave the required bond and buildings were erected and schools opened on these two reservations before 1847.[49] In this year $75 more was appropriated for finishing the schoolhouse of the St. Regis Indians and their annual appropriation changed to $300 yearly for the years 1847 and 1848. One hundred dollars a year for 1847 and 1848 were also appropriated for the education of the children of the Oneida Indians.[50] The commissioners of the Cattaraugus and Allegany Indians did not produce the required bond in 1846 and the next year the sections of the previous law applying to these two reservations were repealed and a new act passed appropriating $300 to each for buildings provided the chiefs raised twenty per cent of the amount but making no allowance for teachers wages.[51]

The Superintendent's report for 1848[52] gives the following information showing that there was a response from all the reservations. A school was taught among the Onondaga Indians without interruption during the year (1847) with an average attendance of eighteen and the teacher was paid $250 plus the sums apportioned by the superintendents of Onondaga and Lafayette counties out of the school monies.[53] A school for nine months with an average attendance of fifty was reported in St. Regis and two schools during the summer in the Cattaraugus and

[48] A school had been opened in this reservation in 1845 taught by Miss Mary Hitchcock. J. V. H. Clark, Onondaga, p. 243.

[49] Rept. Supt. of Com. Schs. in Ass. Doc. 1847, No. 10, pp. 50–52.

[50] Laws of N. Y., 1847, Ch. 208.

[51] *Ibid.*, 1847, Ch. 238.

[52] Ass. Doc. 1848, No. 5, pp. 51–53.

[53] This was under the provision of the Act of 1846, Ch. 45. No further money could come from this source after the repeal in 1847. (Ch. 208).

Allegany reservations where the total number of pupils was seventy-five. Arrangements had been made before the completion of the report (Dec. 31, 1847) that the schoolhouse on the Cattaraugus reservation for which the chiefs had raised an additional $300 should be completed by Dec. 1 1847 and that the one on the Allegany reservation should be completed by June 1848. It was further reported that there was one missionary school on the Allegany reservation and another supported by Friends and that on the Cattaraugus reservation there were two missionary schools and one, "principally for females," supported by Friends. The sum of $240 was appropriated for the Shinnecock Indians in 1848,[54] to be paid in three equal annual installments.

The Superintendent's report of 1849 shows that schools were being conducted on all five reservations.[55] The attendance reported was: average attendance, Onondaga, 61, St. Regis, 50 Shinnecock 40; whole number taught, Cattaraugus 229, and Allegany 110. Reading, writing, spelling, vocal music, drawing and geography are the subjects reported as taught.

A special report of 1850[56] states that 150 of St. Regis Indians died in 1848 from smallpox and cholera and that the tribe was unable to meet the required payment of twenty per cent of the amount appropriated for their schools. This requirement was therefore repealed and $300 was appropriated to them for the years 1849 and 1850.[57] The privileges of the State Normal School were extended to the Indians in 1850[58] when $1000 per year was appropriated for the support and education of ten Indian youths over sixteen years of age at the Normal School. Not more than $100 was to be given to any pupil nor was one pupil to remain more than three years. This provision was made in the hope that Indians might be educated to teach on their own reservations. The appropriations for the various reservations were kept up until a law was passed in 1856 charging the Superintendent of Public Instruction with the duty of providing means for the education of all the Indian children in the State.[59]

[54] Laws of N. Y., 1848, Ch. 39.

[55] Rept. of Supt. 1849, p. 13.

[56] Ass. Doc. 1850, No. 27.

[57] Laws of N. Y., 1850, Ch. 51.

[58] *Ibid.*, 1850, Ch. 89.

[59] *Ibid.*, 1856, Ch. 71.

Education of the Deaf

The New York Institute for the Deaf and Dumb was incorporated in 1817.[60] It was a private enterprise, founded, according to its charter, "for the purpose of affording the necessary means of instructing the deaf and dumb and also to provide for the support and maintenance of those in that condition whose parents are unable to maintain them during their course of study." Because of lack of a competent teacher and of adequate funds the school was not opened until May 12, 1818 when the Rev. A. O. Stansbury assumed direction of the instruction of four deaf children. The corporation of the City of New York gave the school $500, assumed the expense of ten indigent day pupils and granted the use of rooms in the old almshouse. By December 1818 the number of pupils had increased to thrity-two and the trustees had sent to England for a more skilled teacher.[61] Up to this time the school had been supported by private benevolence except for $400 annually from the City of New York.[62] The directors now appealed to the legislature for aid on the ground that only thus could the benefits of the institution be extended to the deaf children of the whole state, who were estimated to number over five hundred. The legislature granted $10,000 stipulating that the money should not be used for building or for the purchase of land.[63] One-half of the money collected from licenses to lottery dealers was also assigned to the school.[64] Another appeal for state aid resulted in a grant of $2500 in 1821.[65]

The next year the legislature yielded to the demand for a more regular form of support and adopted the policy of supporting a fixed number of indigent pupils yearly at the school.[66] This bill provided that poor children between the ages of ten and twenty five to the number of four

[60] Laws of N. Y., 1817, Ch. 264. The charter was issued for twenty years and was renewed in 1836 (Ch. 228) and thereafter as necessary.

[61] Ass. Doc. 1844, v. 1, p. 26. Annual Rept. of the Institute. This document related the details of circumstances leading to the founding of the school and gives a brief history of its progress to 1844.

[62] Senate Journal 1828, App. D. Rept. of Supt. Flagg.

[63] Laws of New York, 1819, Ch. 238.

[64] *Ibid.*, 1819, Ch. 206, Sec. 10. The above mentioned report (v. Note 61) states that the school received "a considerable income" from this source for 14 years. It then became void owing to constitutional restrictions against lotteries.

[65] *Ibid.*, 1821, Ch. 260.

[66] *Ibid.*, 1822, Ch. 234.

from each of the eight senate districts[67] might be admitted free of expense for a term of not more than three years provided their parents were unable to pay for them. These children were called state pupils. Application was to be made through the overseers of the poor[68] who certified to the poverty of the family and arranged that if possible the family should bear a part of the expense. One hundred and fifty dollars were to be paid by the State for the board, lodging and tuition of each pupil. The act further provided that if there were other such indigent pupils who ought to be educated, the county supervisors might levy a tax, not to exceed $150 for every member of the assembly to which the country was entitled, the said tax to be collected in the same way as the school tax and expended for the education of such pupils. This act was limited to four years but was regularly extended, with its amendments and alterations, as the term of its provisions expired.[69]

Various modifications were made in the details of the bill in successive years. The number of pupils was increased from time to time until twenty were admitted from each of the eight senate districts.[70] The term of instruction allowed to each pupil was increased finally to seven years.[71] The money allowed by the state for each pupil was reduced in 1830 to $130.[72] The age of admission was raised to twelve years in

[67] If when a vacancy occurred in a given district no pupil applied for admission from that district it was permissible to fill the vacancy from any other district, (Laws of N. Y., 1825, Ch. 166.) but only for the remainder of the year. (*Ibid.*, 1827, Ch. 97.)

[68] After 1832, (Ch. 223) the overseers of the poor of each town were required to furnish the Supt. of Common Schools with a list of the deaf and dumb in the town from which list the Superintendent was required to fill without delay any vacancies occurring.

[69] *Ibid.*, 1825, Ch. 166. 1830, Ch. 170. 1836, Ch. 511. 1841, Ch. 163. 1845, Ch. 14.

[70] *Ibid.*, 1830, Ch. 170, No. increased to a total of 56.
1833, Ch. 109, No. increased to a total of 96.
1836, Ch. 228, No. increased to a total of 120.
1840, Ch. 174, No. increased to a total of 128.
1845, Ch. 14, No. increased to a total of 160.

[71] *Ibid.*, 1825, Ch. 166, term increased to four years.
Ibid., 1827 Ch. 97. The directors were permitted to retain not more than 8 pupils at a time for two years beyond the usual time.
Ibid., 1830, Ch. 170, term extended to 5 years.
Ibid., 1838, Ch. 244, term extended to 7 years for any pupil with the consent of the Supt. of Common Schools.

[72] *Ibid.*, 1830, Ch. 170. This same bill made the institution eligible to a share in the literature fund. This probably accounts for the reduction.

1838.[73] The supervisors of any county were required to raise a sum not exceeding twenty dollars a year for clothing for pupils from that county whose parents were unable to furnish proper clothing. But it would seem that this law was not enforced, for in 1848[74] the legislature appropriated $5200 to repay the Institution for clothing furnished to state pupils.

The school soon outgrew the accommodations in the old almshouse, given by the city and in 1827 the directors succeeded in getting an appropriation of $10,000 for purchasing land and erecting buildings and workshops on condition that they raise $15,000 in addition.[75] The new buildings were ready for occupancy in 1829 but as usual they cost much more than was expected and the debt incurred was not wiped out until the legislature appropriated $15,000 in 1849 to pay a mortgage remaining on the property.[76] Meanwhile the school had been made elegible to its proportionate share of the income from the literature fund,[77] and had also been granted an annual appropriation of $5000 in lieu of the previous income from lottery licenses.[78] By the year 1850 the school was receiving annually from the state $20,800 for one hundred and sixty state pupils, $5000 for general expenses, and varying sums from the literature fund.[79]

The Central Society for the Instruction of the Deaf and Dumb was incorporated in 1823[80] with permission to open a school at Canajoharie similar to the New York Institute. The legislature appropriated $1,000 of which $300 was to be used for erecting a building and the rest for the support of the indigent deaf and dumb. As in the New York Institute at this time the age limit was from nine to twenty-five years and the term of instruction three years. No regulations were made as to the number of state pupils to be received until 1825 when the limit was set at two pupils[81] from each senate district at a yearly expense of $80 per pupil.[82] The same act provided that a sum equal to the debts of the Central Asylum should be paid to the directors out

[73] *Ibid.*, 1838, Ch. 244.
[74] *Ibid.*, 1848, Ch. 316.
[75] *Ibid.*, 1827, Ch. 97.
[76] *Ibid.*, 1849, Ch. 29.
[77] *Ibid.*, 1830, Ch. 170.
[78] *Ibid.*, 1834, Ch. 67. See Note 64 above.
[79] In 1845 the Treasurer reported $1908.94 from the regents; in 1851 only $537.69.
[80] Laws of N. Y., 1823, Ch. 189.
[81] *Ibid.*, 1825, Ch. 166.
[82] The number was increased to three in 1830 (Ch. 170).

of the treasury of the state provided the said debts did not exceed $800. This institution apparently did not justify itself, for in 1836 provision was made for transferring the pupils there to the New York institution and for selling the property to pay its debts.[83]

Beginning with four deaf children, the number of pupils at the New York institution had increased to fifty-six in January 1820. This was about the average for the next ten years.[84] By 1845 the number had increased to two hundred.[85] The report for the year 1850 shows a total of 227 pupils of whom 160 were state pupils, 16 supported by the City of New York, 13 by the State of New Jersey, 13 by the Institution, 24 by friends and one by the Commissioner of Immigration. The state census of 1845 shows a total of 336 deaf and dumb children in the State under twelve and 573 between the ages of twelve and twenty-five. The parents of 487 of these are reported as unable to provide for their education.

From the beginning the manual alphabet was used but there was also an effort to teach articulation. It seems never to have met with any success except with pupils who had lost their hearing after having learned to speak. Many of the reports speak skeptically of the value of attempting to teach the deaf to articulate and the report of 1844, at the close of the first quarter century of the school, says, "The success attained in this attempt in which much valuable time was wasted . . . was very unsatisfactory. . . . After a patient trial the experiment was by general consent abandoned."[86] It is not difficult to see at least one reason for the failure of the oral method since children were not admitted until they were twelve and many evidently stayed only one or two years.[87] During the early years the school seems to have labored under the disadvantage of poor teaching and not to have attained as great success as other similar institutions. In 1827[88] it was made subject to the supervision and inspection of the superintendent of common schools who was also directed to visit schools for the deaf

[83] Laws of N. Y., 1836, Ch. 511.

[84] Annual Report 1844. The highest number during this period was 68, the lowest 50.

[85] An. Rept. 1845.

[86] Ass. Doc. v. 1, No. 21. Rept. of 1844. The report of 1846 also says "The attempt to restore speech to the deaf has never been successful."

[87] Several of the annual reports refer to the difficulty of persuading the parents of these children to keep them in the school long enough to accomplish any really valuable results. There are occasional suggestions of compulsory education.

[88] Laws of N. Y., 1827, Ch. 9.

and report whether any improvements could be made. In April 1828 Supt. Flagg presented a report to the legislature,[89] in which he indicated that the institutions at Hartford and Philadelphia were both conducted more efficiently and recommended especially the employment of instructors better trained in methods of teaching the deaf. The annual report of 1844 before referred to, suggests that there had been jealousy rather than co-operation between the teachers of the New York institution, and those in the other cities. "Our first teachers," it states, "seem to have prided themselves on relying on their own resources aided only by the few works of European masters which they could obtain. Hence while their success was in many instances admitted to be respectable it was very generally estimated to fall short of what it might have been. . . . " In 1831 a former teacher at Hartford, Mr. Peet, was made superintendent under whom there seems to have been an immediate improvement.

The teaching of trades along with the common school branches was early made a part of the regular school work. The appropriation of $10,000 in 1827 was made to build "an asylum and workshops for the deaf and dumb." A report of 1849 states that each pupil was required to spend three or four hours a day in manual employment.[90] Bookbinding, cabinet making, shoemaking, tailoring, and gardening were the trades taught. Except from the bookbinding department the articles manufactured were chiefly for the consumption of the institution,[91] and the output was not expected to much more than balance the expenses.[92] An apologetic tone is adopted toward the workshops in some of the reports as if the directors felt that they needed to justify themselves for introducing trades into a school.[93]

The annual report of 1843 shows that there were seven classes or grades in the school. The highest class, made up of pupils who had been under instruction from four to seven years, studied the following sub-

[89] Senate Journal, 1828, App. D. This report includes one by Charles Dillingham, formerly associated with the schools at Hartford and Philadelphia. While both reports are cautiously stated it is evident that both men believed that the New York school was inferior to the others.

[90] An. Rept. 1849, p. 10.

[91] An. Rept. 1848, p. 47.

[92] An. Rept. 1847, p. 13. The An. Rept. of 1839 states "So many of the pupils are mere children that the department of labor can never be a source of revenue."

[93] The report of 1847 (p. 28) says that the pupils are thus enabled "to acquire in fragments of time otherwise thrown away means of securing comfort, independence and usefulness."

jects: 1. Class Book of Nature, 2. Arithmetic, a review of fundamental rules and learning tables of weights and measures. 3. History and geography embracing the discovery and early settlement of this country and portions of the war of the revolution, 4. Facts concerning federal and state government, 5. Definition of words, 6. Composition, 7. Penmanship, 8. Bible, 9. Drawing.

Education of the Blind

The New York Institution for the Blind was incorporated in 1831.[94] In 1834[95] it was authorized to receive four state pupils from each senate district, for a term of five years under the same arrangements as the state pupils were received in the Institution for the Deaf. It was provided that besides their literary education they should be instructed in some trade or employment. The number of pupils from each district was increased to eight in 1836[96] and to sixteen in 1839.[97] The age limits were made eight to twenty-five years,[98] and the directors were allowed to keep one or more pupils two additional years with the consent of the Superintendent of Common Schools under whose supervision the school was placed.[99] The following appropriations were made for the Institute for the Blind between the years 1836 and 1850:[100]

1836 $12,000 for purchasing the premises occupied, and erecting a workshop, and repairing buildings; provided $8,000 be raised by the directors.

1839 $15,000 to be paid in three annual installments for labor and materials to complete said building, on condition that the directors raise $10,000.

1841 $10,000 for building a wing and for various purposes and for stone from the state's prison to the amount of $5,000, all on condition that the directors raise $7,000.

1845 $5,000 annually for 5 years.

1848 $15,000 for the erection of dormitories, workshops and other buildings for the adult blind, provided this amount be sufficient to complete the work.

In addition to the aid given by the state the commissioners of the common school fund of the City of New York were directed to pay annually to the directors of the school a rateable proportion of the school fund without regard to the age of the pupil. The school was under the supervision of the city school inspectors.[101]

[94] Laws of N. Y., 1831, Ch. 214.
[95] *Ibid.*, 1834, Ch. 316.
[96] *Ibid.*, 1836, Ch. 226.
[97] *Ibid.*, 1839, Ch. 200.
[98] *Ibid.*, 1836, Ch. 226.
[99] *Ibid.*, 1839, Ch. 200.
[100] *Ibid.*, 1836, Ch. 226; 1839 Ch. 200; 1841, Ch. 175; 1845, Ch. 58; 1848, Ch. 193.
[101] *Ibid.*, 1839, Ch. 200.

The school day in the Institute for the Blind ran from nine to twelve and from one to four. The school was divided into two divisions which alternated in the shops and school room, each division spending half the day in studies and half in music and manufacturing. The industries reported as taught in 1843 were box and paste-board manufacturing, willow work and weaving. At this time there were thirty-eight boys in the institution and thirty girls. The curriculum in the boys' school embraced astronomy, geography, arithmetic, grammar, natural philosophy, geometry, the New Testament, spelling, reading, writing and algebra. The girls were not employed in the shops but were kept busy at sewing and knitting during both sessions while receiving instruction. Their curriculum was limited to spelling, reading, writing, arithmetic, geography, grammar and astronomy.[102]

Orphan Asylum Schools

The care and education of orphans and half orphans early enlisted the sympathy of benevolent people in New York City. Before 1820 the schools established in connection with orphan asylums in this city had been recognized as proper beneficiaries of school funds[103]. Between 1835 and 1850, ten orphan asylums were chartered in other rapidly growing cities.[104] In every case the charter contained a clause stating that the trustees might bind out such children as were surrendered to their charge but that provision must be made in such cases for "securing an education proper and fitting for the condition and circumstances in life of such child."[105] There seems to have been no legal obligation on the orphan asylums to educate the children under their care but this was in most cases one of their avowed objects. Some public instruction in orphan asylums was provided in 1847 by the appropriation of $3000 annually from the income of the United States deposit fund to be distrib-

[102] An. Rept. 1843, Ass. Doc., Vol. 4, No. 88.

[103] See Chap. V. pp. 86 and 94 for the orphan asylums of New York.

[104] Troy 1835; Buffalo 1837; Utica 1837 (Orphan Asylum of St. John's Church); Brooklyn 1837; Rochester 1838; (Roman Catholic Orphan Asylum); Syracuse 1845; Hudson 1846; Albany 1849 (St. Vincent Orphan Asylum).

[105] This was in accord with other laws relative to binding out children. In 1788 (Ch. 62) it was enacted that the Overseers of the Poor when binding out poor children should insert a clause that "every master and mistress to whom such child shall be bound . . . shall see that the child be taught . . . to read and write." In 1801 (Ch. 11) it was further enacted that "in all indentures and contracts such a clause be inserted and that a new Bible should be given to each child on the expiration of his contract.

uted among the several incorporated orphan asylums in proportion to the number of inmates between the ages of three and twelve years on the presentation of a certificate by the proper officers stating that a school had been taught for four months by a qualified teacher, that the children were destitute and of the required age and that they had been taught, "reading, writing, arithmetic, or the plain rudiments of a common English education."[106] In 1850 the schools of the various orphan asylums, except in the city of New York[107] were made eligible to a proportionate share in the distribution of school money under the same conditions as the common schools of their respective cities or districts.[108]

Education of Paupers

It was not until 1831 that any requirements were made for the education of paupers. The superintendents of county poorhouses were then required to cause all town and county paupers between the ages of five and sixteen years to be educated "in the same manner as children are now taught in the common schools of this state at least one fourth of the time that said paupers shall remain in the poorhouse." The expense was to be borne by the town or county and the names of such children were not to be returned by the trustees in their annual report, that is, the district received no extra money for such children.[109]

[106] Laws of N. Y., 1847, Ch. 485.

[107] The Orphan Asylums in New York City received support from the city. In 1850 the following schools of that city are reported with their average attendance in the Annual Report of the Superintendent.

	Average Attendance
Leake & Watts Orphan House	201
N. Y. Orphan Asylum	125
R. C. Orphan Asylum	330
Colored Orphan Asylum	167
R. C. Half-Orphan Asylum	13
Protestant Half-Orphan Asylum	182
Female Guardian Society School	74
Schools for Juvenile Delinquents (two)	346

[108] Laws of N. Y., 1850, Ch. 261. The Onondaga Co. Orphan Asylum had been admitted to a share of the town funds of Salina in 1847 (Ch. 165) and the Brooklyn Orphan Asylum Societies had been admitted to a share of the money raised in the city by an act of 1848. (Ch. 76).

[109] Laws of 1831, Ch. 277.

Education of Colored Children

Separate schools for colored children were established in several cities.[110] In 1847[111] an appropriation of $5000 was made from the U. S. deposit fund for the benefit of schools which should be established for the exclusive instruction of colored children. The law provided that there should be paid "to the trustees of every incorporated village which shall during one year from the passage of this act support for three months or more a school for the exclusive instruction of colored children, the sum of twelve dollars a month during the time such school shall be kept, not exceeding six months; but no money shall be paid as aforesaid for any month during which the number of scholars attending such school shall be, on the average, less than ten." Schools were established under this law in Poughkeepsie, Elmira, Lansing, Canandaigua, Watertown and Catskill.[112] The reports of the Superintendent of Schools for 1848 and 1849, however, state that this law did not seem likely to be effective for the schools thus established were not under the general system of schools or subject to the supervision or inspection of the usual officials, and that moreover there are probably not twenty villages where there are enough children to keep up the required average of attendance. No report is made on such schools in the year 1850.

Societies for Educational Purposes

The movement for popular education in the first half of the nineteenth century is evident not alone in the establishment of schools for the education of the young but also in the large number of societies of various kinds incorporated for the purpose of disseminating learning through the establishment and maintenance of libraries, reading rooms, lectures and museums.[113] The rising interest in science is shown by the incorporation of several Lyceums of Natural History, between 1820 and 1845, to disseminate knowledge of natural history and the other useful sciences. Many Mechanics' Institutes were founded "to establish and maintain lectures applicable to the mechanic arts, to collect and form a repository of apparatus, books, drawing, models of machinery, and generally for enlarging the knowledge and improving the condition of mechanics,

[110] See Chapter V, p. 108.

[111] Laws of N. Y., 1847, Ch. 258, Sec. 3.

[112] Ass. Doc. 1848, No. 20.

[113] See Appendix C for chronological list of such societies and statement of their aims.

artisans and manufacturers."[114] There were established also many Literary Associations which were interested rather in the spread of literature and the fine arts than in science. The New York Historical Society,[115] the American Academy of Fine Arts,[116] the New York Sacred Music Society[117] and the National Academy of Design[118] were also founded during this period. All of these societies undoubtedly had an important educational influence though it is an influence difficult to reduce to statistics. These were all private ventures receiving no support from the state and subject to no supervision or control.[119]

[114] Laws of 1833, Ch. 91. From the Charter of the Utica Mechanics' Association. The objects avowed in the other charters are practically the same. Many of the Mechanics' Institutes were also intended for the mutual aid of members and their families in case of illness or death.

[115] Laws of N. Y., 1809, Ch. 26. Renewed 1826, Ch. 41. Revived and continued, 1846, Ch. 8. Granted $5,000 from the state, 1827, Ch. 51.

[116] *Ibid.*, 1808, Ch. 6, v. p. 201, Charter extended 1833, Ch. 76.

[117] *Ibid.*, 1829, Ch. 345.

[118] *Ibid.*, 1828, Ch. 173.

[119] The General Soc. of Mechanics and Tradesmen of the City of N. Y. was the only exception. Its school did receive money from the state in proportion to the number of children taught gratuitously. See Chap. V, pp. 89 and 94.

CHAPTER VIII

Summary and Conclusions

A consideration of the preceding chapters shows that in the seventy-three years which elapsed between the first meeting of the New York state legislature and the middle of the nineteenth century much had been done to create and set in motion machinery for educating the youth of the state. The actual results achieved, the strength and weaknesses of the system established and the progress since that time may perhaps be shown best by restating briefly, unobscured by detail, some of the more important features already referred to.

It will be recalled that at the time of the Revolution, New York had no state system of schools[1] and that there had been little legislation relative to education during the colonial period.[2] The first legislature of the state of New York convened at Kingston, September 10, 1777. Legislative action in the cause of education began almost at once. Of nearly one thousand such acts passed before 1851, about one-fifth were enacted between the years 1780 and 1820, the remaining four-fifths, in the next thirty years. While no exact classification has been attempted, it may be stated roughly that about four hundred of the total number concerned the establishment and administration of common schools. These ranged in scope from an act to establish a common school system to one which authorized some small village to move its schoolhouse or sanctioned a late report from some tardy district. Between three hundred and three hundred and fifty acts related to academies and colleges, of which about one hundred and twenty-five were merely acts of incorporation. The remaining legislation of the period included acts relative to the education of special classes, such as Indians, negroes, the blind, the deaf and dumb, juvenile delinquents, and orphans; acts relative to various organizations which had some general educational aim; and others of miscellaneous character.

The laws of most general significance during this whole period are the following: the university acts of 1784 and 1787; the common school acts of 1795, 1812, 1814, 1819; the acts establishing the principle of state

[1] v. Ch. I, p. 1.

[2] v. Clews, Educational Legislation and Administration.

support, such as those to establish the common school fund in 1805, to create the literature fund in 1813, and to apply the United States deposit fund to education in 1838; the freeing of the New York schools from private control in 1834; the laws relative to the offices of county and town superintendent in 1841, 1843, and 1847; the establishment of the state normal school in 1844; and the free school act in 1849. The fact that this act was repealed in 1851 and declared unconstitutional by the courts in 1853 does not invalidate its claim to importance, since it indicates the proportions of the sentiment in favor of free schools. It is true that in 1851 the rate-bill for instruction was re-established and that free schools were not an accomplished fact until 1867; but the act of 1851 practically ended the struggle for free schools, since it provided for $800,000 to be raised by a state tax and to be added to the amount distributed for common schools, thus materially lessening the amount of the rate-bill, and since it continued the exemption of all indigent persons from such charge.

Although the character of the legislation considered does not admit of a hard and fast division into periods, yet the legislation enacted before 1820 was, on the whole, concerned more with the fundamental principles of organization and administration; that of the later years, with the detailed development and improvement of a system already established and the adjustment and extension of this system to suit changing conditions. These two periods coincide with similar periods in the general development of the state. It will be recalled that the years from 1780 to 1820 were marked by a great increase in the rural population, by development along agricultural lines, and by the beginning of industrial growth; and that the next thirty years were characterized by the remarkable growth of cities, rapid industrial development, increase of foreign population, the rise of social problems due to these conditions, the growth of humanitarianism to meet the new social needs, and the larger participation of the people in the settlement of public questions owing to the extension of the franchise.

The amount of legislation before 1800 was comparatively small, but several important steps were taken in the interests of education. In the survey and sale of public lands reservations were made for the benefit of schools; King's College was revived under the name of Columbia; the University of the State of New York was established with a govering board of regents to whom was entrusted the task of incorporating and supervising academies and colleges; Union College was chartered; approximately £20,000 were appropriated to the two

colleges; and an unsuccessful attempt was made to establish a state system of common schools. The legislation from 1800-1820 is marked by the creation of permanent school funds, raised either by lotteries or by the sale of public lands, and by the appropriation of about $550,000 to be raised in a similar way for the use of colleges; by the establishment of the common school system partially supported by the state and under the direction of a state superintendent and by the recognition of the charity and free schools as custodians of public education in New York City. Moreover, state aid was given to several institutions founded by private enterprise, namely; the College of Physicians and Surgeons. Hamilton College, a school for the deaf and dumb, and twenty-five academies.

The outstanding features of the legislation from 1820 to 1850 are: enactments greatly increasing the amount of money to be spent on education both by large appropriations to state funds and by the authorizing of increased taxation for school purposes; legislation looking to the increased efficiency of the schools, for example, an attempt to differentiate more sharply, on the basis of curriculum, between the common schools and the academies; the opening of opportunities for normal training; the creation of the offices of town and county superintendents for the sake of better inspection; special legislation for cities, where the original school law was found inadequate, and especially for New York, where the schools were at length freed from the domination of religious and private control; and finally, the passing of the free school act. During this time there was a phenomenal increase in the number of academies and a considerable number of colleges and professional schools were chartered. It is noteworthy that with the increase of state funds the support accorded to education by the state was limited almost entirely to the income from these funds and that special grants such as were common in the preceding period were almost known. A second school for the deaf, a school for the blind, and various societies with humanitarian motives and some educational purpose were incorporated.

In 1820 Governor Clinton reported[3] that there were six thousand common schools; three hundred thousand children in school, nine-

[3] Governor's Message, January 4, 1820. The Superintendent's report for 1820 states that he received returns from 515 towns, in which there were 5,763 common schools, of which 5,118 reported; that 271,077 children were taught; that the whole number between the ages of five and fifteen in the districts reported was 302,703. (Randall Digest of Common School System, p. 27).

tenths of the whole number between five and fifteen years of age; that there were probably twenty Lancaster schools; that thirty academies had reported and that they enrolled two thousand two hundred and eighteen students, six hundred and eighty-three of whom were studying Greek and Latin; that in Union, Hamilton, and Columbia Colleges there were five hundred and twenty-two students; and that the school fund amounted to $1,000,000, the fund for academies to $320,000. Numerically this seems to be a good showing, but the efficiency of the work done in these various institutions is open to question. Governor DeWitt Clinton in his message of 1819[4] said of the common schools that plenty of money was spent, but that the preceptors were "ignorant and vicious" and the system of education "injudicious and ill arranged." The Regents' report of this same year stated that the course of instruction in many academies consisted chiefly of "the first rudiments of English education."[5]

In 1850 there were 11,191 organized districts in which 778,309 children were taught, 161[6] academies which enrolled 28,941 pupils, of whom 16,553 studied Greek and Latin or the higher English branches; 217 pupils in the normal school and 948 in the colleges. The common school fund, the literature fund, and the United States deposit fund amounted to $6,524,050.85 and yielded a total revenue of $583,928.65.[7] Since 1819 the population and the number of pupils in the schools had something more than doubled. In the same time the funds, by the addition of the United States deposit fund and other accretions, had become almost five times as large. During these thirty years the academies had taken their place more specifically as the promotors of secondary education; instruction in the common schools had improved both because of added facilities for training teachers and because of more adequate inspection; the sentiment in favor of public control and support of education had greatly increased; the education of all classes of children, including various defectives and dependents had been brought under the control either of the superintendent of common schools or of the regents; and many of the larger cities had modified the existing state regulations to meet more adequately their particular problems.

[4] Governor's Message, January 5, 1819.

[5] Senate Journal, 1819, p. 245, Regents' Report.

[6] This is the number which reported to the regents in this year; thirty-five did not report. (Regents' Report, 1850).

[7] These figures are taken from the superintendent's report for 1850.

With a generous appreciation of what had been accomplished and with no wish to disparage the attainments of these early years, it is allowable to point out some of the weaknesses of the educational situation at the close of the period. The most obvious defects were the division of jurisdiction between regents and state superintendent, the lack of articulation between the different parts of the school system, the isolation of individual schools, inadequate supervision, too many untrained teachers, and the failure to make education compulsory.[8]

If the common schools had permanently confined themselves to elementary education and if the academies had limited themselves to the teaching of classics and the higher English branches, there might have been an early and peaceful consolidation of the two parts of the educational system. But when the common schools branched out into the field of secondary school education and established academic departments it was inevitable that the two powers should come into conflict. The act for the establishment of Union Free Schools in 1853[9] placed the academic departments of these schools, out of which the public high school developed, "under the visitation of the Regents of the University and . . . . subject in its course of education and matters pertaining thereto to all the regulations made in regard to academies by the said Regents." The act of 1854[10] which created the office of State Superintendent of Public Instruction and transferred to him supervision of the common schools of the state formerly vested in the Secretary of State, provided that he should "visit . . . . such and so many of the common schools, academies, and other literary institutions of the state as he may deem expedient; to inquire into the course of instruction, management, and discipline of such institutions and to report the result of such visitation annually to the legislature with such recommendations and suggestions as he may deem suitable." The conflict of authority and question whether the power of "supervision" on the part of the regents or "visitation" by the superintendent conferred more authority seems to have been a cause of debate and conflict[11] until the passing of the

[8] The first compulsory school act was passed in 1874 (Ch. 421). The requirements for the education of apprentices and orphans have been noted before. The tacit assumption of the state was that parents would normally educate their children if the opportunity were afforded.

[9] Laws of New York, 1853, Ch. 433.

[10] *Ibid.*, 1854, Ch. 97. In 1895 (Ch. 1031) the superintendent was given power of approval of courses of study in high schools and academies.

[11] Senate Doc. 1904, Vol. 15, No. 25 and 27. Report of Special Joint Committee on Educational Unification appointed April 23, 1903. Includes reports by C. R.

unification act of 1904[12] in accordance with which a Commissioner of Education was elected by the legislature who should combine the duties of Superintendent of Public Instruction and those of the Board of Regents so far as they related to the supervision of elementary and secondary schools and all schools except colleges, technical and professional schools. During the period under consideration the common schools and the academies occupied sufficiently distinct fields so that this conflict of authority did not manifest itself, but elements of discord were there.

Lack of articulation between the different parts of the educational system was another feature of the situation the evils of which became more apparent later. Common schools under the direction of the state superintendent went their way and the academies and colleges under the regents went theirs, with no apparent attempt to co-ordinate them, to make one lead to the other, or to prevent their work from overlapping. Within the common schools it was only in a few cities that any attempt was made to establish graded schools. There is no hint of a conception of a state system which should furnish a continuous and steadily progressive path from primary to professional school.

The principle of extreme individualism prevailed both in the common schools and in the academies. There were only the most meagre requirements as to curriculum in the common schools. Aside from the rudiments of learning, the teachers, with perhaps the advice of some inspectors, appear to have determined what subjects should be studied and how much ground covered. This lack of uniformity had a certain advantage in the opportunity it gave for adapting the school to the needs or desires of individual pupils, but under a poor teacher and in an indifferent community the school was certain to be unnecessarily limited in its work. The regents had done something to standardize the work done in the academies, but when we consider that in 1850 only about fifty per cent[13] of the pupils in these schools were studying classics and higher branches of English and that there was the widest range in the total subjects offered,[14] it is obvious that the academies were not only working independently of the common schools and of the colleges, but that there was no common standard among themselves as to their legitimate field. The same individualism is evident in the action of

Skinner, State Superintendent of Public Instruction, and James R. Parsons, Jr. Secretary to the Board of Regents.

[12] Laws of New York, 1904, Ch. 40.

[13] v. p. 176 for figures.

[14] v. Ch. III, p. 48–49.

the cities, where administrative boards were established with varying powers, and no attempt was made by the state to unify methods of procedure in these larger communities.

The perennial evils of inadequate supervision, unsatisfactory methods of certification, and insufficient training of teachers were perhaps more acutely felt at the time than these other far-reaching, but less obvious defects, and already determined efforts were being made to ameliorate the existing conditions.

Compulsory education was still far in the future. It was assumed that if the opportunity were offered the normal parent would gladly educate his children and that it was not the function of the state to interfere if he did not see fit to do so. For children who lacked their natural protectors, namely apprentices and orphans, the state did require a minimum of education.

Notwithstanding these defects and weaknesses, it must be conceded that, considering the situation in New York when it became a state, the comparatively short time which had elapsed, and the rapid change of conditions, noteworthy results had been accomplished. A system of common schools, practically free and with special provision for the very poor, was well established; education in the classics and higher English branches was fairly well provided for in the numerous academies; there were colleges and professional schools, not unreasonably expensive, for those who had ambition and capacity for more advanced work; provision had been made for certain obvious defectives, namely, the blind and the deaf; the first steps toward professional training for teachers had been taken. The principle that the state is definitely responsible for the education of the people and must carry the financial burden of this education had been in a considerable measure accepted. The pioneer work had been done and a system established which was capable of adjustments and developments to meet the changing situations of the future.

APPENDIX A

Academies Incorporated, 1787–1850

This list is compiled from a list of academies given in the Revised Statutes of 1813 (Appendix, p. 563); lists of incorporated academies submitted by the regents in their report of 1843; from the regents' reports and the session acts, 1777–1850. When "academy" appears as a part of the name it is omitted in this list.

Below the name of each school is a list of the legislative acts passed relative to it. When the number of the act is followed by the letter "S," it indicates that the act was for the support of the school and that the details are given in Appendix B, Chronological list of acts granting support to individual academies.

Incorporated Date		Made Subject to Regents	Name	
1787	R[1]	*[2]	Erasmus Hall 1786.54[3] Reformed Protestant Dutch Church authorized to sell real estate for the purpose of erecting an academy. 1814.79 Trustees to be district trustees. 1844.234 Trustees to receive money from common school fund.	King's Co.
	R	*	North Salem	West Chester Co.
	R		Clinton	Suffolk Co.
1790	R	*	Farmers' Hall 1822.197 Trustees to be district trustees.	Orange Co.
1791	R	*	Montgomery 1815.90 Trustees to be trustees of school district. 1819.122 S	Orange Co.

[1] Indicates incorporation by regents. The record of such incorporation is found in the Rept. of the Regents for the given year. These academies were not incorporated by the legislature.

[2] Shows that school was made subject to the regents by the act of incorporation.

[3] Refers to year and chapter of law i.e., Laws of 1796, Chap. 54.

			1821.250 S 1822.45 S 1835.138 Act of 1815.92 above, repealed.	
	R		Washington 1819.55 S	Washington Co.
1792	R	*	Dutchess County 1849.301 S	Dutchess Co.
	R		Union Hall	King's Co.
1793	R	*	Hamilton Oneida 1812.237 Became Hamilton College.	Oneida Co.
	R		Schenectady 1795.55 Became Union College. 1818.192 Academy revived.	Schenectady Co.
1794	R	*	Johnstown 1796.50 S 1826.112 S 1827.207 S	Montgomery Co.
	R	*	Oxford 1800.112 S 1822.3 S	Chenango Co.
1795	R	*	Canadaigua	Ontario Co.
	R	*	Kingston 1827.30 Five trustees to make a quorum.	Ulster Co.
	R	*	Union (Defunct in 1843).	Montgomery Co.
1796	R	*	Cherry Valley	Otsego Co.
	R	*	Lansingburgh 1816.13 S	Rensselaer Co.
	R	*	Otsego Burned 1809 and not rebuilt.	Otsego Co.
1797	R	*	Columbia Defunct in 1843.	Columbia Co.
1801	R	*	Cayuga 1806.73 S 1814.71 S 1844.110 Trustees reduced to nine.	Cayuga Co.
1803	R	*	Fairfield	Herkimer Co.
	R	*	Oyster Bay[4]	Queen's Co.

[4] A list of academies in the Revised Statutes of 1813, Vol. II, p. 563, gives the date of incorporation as 1807. This seems borne out by the report of the Regents in 1804 (Journal of Assm., p. 293) that there were twenty-two academies including Catskill, but regents' list of 1843 gives this date.

			Defunct in 1843. 1823.150 Trustees to be district trustees.	
1804	R	*	Catskill	Greene Co.
			Defunct in 1843.	
1806	R	*	Newburgh	Orange Co.
1807	R	*	Hudson	Columbia Co.
			1838.271 S	
1808	R	*	Lowville	Lewis Co.
			1818.134 S	
			1824.275 S	
			1826.105 S	
			1828.46 S	
			1836.63 S	
			1841.265	
	R	*	Ballston	Saratoga Co.
			Defunct in 1843.	
1811	R	*	Bloominggrove	Orange Co.
			Defunct in 1843.	
	R	*	Pompey 1813.199 S	Onondaga Co.
	R	*	Washington	Orange Co.
			Defunct in 1843.	
1813	R		Albany	Albany Co.
	R		Geneva	Ontario Co.
			1825 Became Geneva College.	
	R	*	Onondaga	Onondaga Co.
			1814.200 and 1825.231 S	
	R	*	Plattsburgh	Plattsburgh Co.
			Not mentioned in Regents' list of 1843. Found in list of 1813.	
	R	*	Whitesborough	Oneida Co.
1814	R	*	Utica	Oneida Co.
1815	R	*	Auburn	Cayuga Co.
			1825.266 S	
			1826.128 S	
			1827.329 S	
	R	*	Cambridge	Washington Co.
			1848.234 S	
1816	R	*	Greenville	Greene Co.
	R	*	St. Lawrence	St. Lawrence Co.
			1816.148 S	
			1825.110 S	
			1826.103 S	
			1828.177 S	
			1835.169 S	

		1841.85 and 1849.301 S	
.166[5]	1816	Hartwick Seminary	Otsego Co.
1817.119	1826	Clinton Grammar School	Oneida Co.
1819 R	1819	Middlebury 1823.52 S 1826.176 S 1837.206 To receive money notwithstanding late report.	Wyoming Co.
R	*	Cortland 1822.10 S	Cortland Co.
.52	1819	Waterford Female	Saratoga Co.
.198		Wesleyan Seminary—Both Sexes. Not mentioned in list prepared by Regents 1843.	New York
1820 R	*	Delhi. 1819.170, 1847.258, and 1849.301 S	Delaware Co.
.106		Catskill Female Seminary	Greene Co.
.107	1827	Mount Pleasant 1824.267 S 1827 Granted new charter by regents.	Westchester Co.
1821.53	1828	Albany Female 1822.38 S	Albany Co.
1822.53		Female Seminary of Newtown 1827.69 Five trustees a quorum.	Queen's Co.
.183		Cooperstown 1822.183 S	Otsego Co.
1823.83	1826.263	Ithaca 1825.308 S 1836.81 S	Tompkins Co.
.264	1829	Red Hook 1824.323 S 1827.55 S	Dutchess Co.
1824.161	1828	Kinderhook	Columbia Co.
.319	1830	Fredonia 1825.226 S	Chautauqua Co.
.327	1833	Jefferson	Schoharie Co.
R	*	Franklin 1828.234 S	Steuben Co.
R	*	Hamilton	Madison Co.
1825.75		High School of New York (Specified not to receive common school or literature fund). 1826.32 Open to girls. 1833.9 Permitted to sell	

[5] Numbers in this column refer to chapter of the statutes i.e., Laws of 1816, Ch. 166. This indicates that the academy was chartered not by the Regents but by the legislature.

		property and dissolve.	
.86	1828	Seminary of Genesee Conference—Both Sexes. 1829.241 Changed to Seminary of Genesee and Oneida Conference. 1835.242 Changed to Oneida Conference Seminary. 1847.36 Trustees appointed.	Madison Co.
.149	1828	Ontario Female Seminary	Ontario Co.
1826.83	1837	Rensselaer School 1832.327 To unite with Greenbush-Schodack. 1835.254 Department of Engineering to be added. Name changed to Rensselaer Institute. 1837.351 United with Troy Academy.	Rensselaer Co.
.123	1828	Bridgewater	Oneida Co.
.129		Bedford	Westchester Co.
.164		Rye	Westchester Co.
.165	1830	Union Literary Society of Ellisburgh	Jefferson Co.
.167	1828	Canajoharie	Montgomery Co.
.168	1833	Rensselaer-Oswego 1828.125 To be on site conveyed by district trustees. 1829.15 Trustees of school district in Mexico to convey lot of land and buildings. 1845.276 Name changed to Mexico Academy.	Oswego Co.
.172	1830	Ovid 1826.172 S	Seneca Co.
.182		New Rochelle	Westchester Co.
.288	1828	Steuben	Oneida Co.
.316	1829	Scientific and Military, Whitesborough.	Oneida Co.
1827.70	1831	Rochester High School, started as an Elementary School. Merged into Rochester Collegiate Institute. See 1839. 1828.131 S 1829.332 S 1831.51 S	Rochester Co.

		1836.165 School district to be divided.	
.86	1831	Springville	Erie Co.
		1829.340 Fifteen dollars required to insure membership in in association.	
.272	1830	Gaines	Orleans Co.
.321		Flushing Institute	Queen's Co.
		1828.61 Capital stock increased.	
.330	1830	Buffalo High School Ass'n	Erie Co.
		1830 Name changed to Buffalo Literary and Scientific Institute. 1846 Dissolved by legislature.	
.64	1829	Livingston Co. High School Ass'n.	
		1833.122 Trustees to receive any money for literary purposes.	
		1846.309 Became Genesee Academy	
R	*	Monroe	Monroe Co.
		Extinct in 1834.	
1828 R	*	Lewiston High School-Academy	Niagara Co.
R	*	Owego	Tioga Co.
.139	1830	Granville	Washington Co.
.162	1829	Gouverneur High School,	St. Lawrence Co.
		1839.64 S	
.171	1831	Sullivan Co.	Sullivan Co.
.184	1828	Albany Female Seminary.	Albany Co.
.235	1830	Yates Co. Academy and Female Seminary.	
.256		Cortland Female Seminary (Not to receive state aid).	Cortland Co.
.288		Rochester Institute of General Education	Monroe Co.
.289	1830	White Plains	Westchester Co.
.332	1829	Plattsburgh	Clinton Co.
1829 R	*	Oneida Institute of Science and Industry	Oneida Co.
		1849 Reported defunct.	
.12		Harlem Literary and Scientific (Not to receive state aid) New York City	
.81	1833	Palmyra High School (Extinct in 1850)	Wayne Co.
		1830.115 District trus-	

		tees to convey lot and building to High School.	
.125		Skaneateles	Onondaga Co.
.219		Brooklyn Collegiate Institute for Young Ladies (Not subject to Regents)	King's Co.
1830.270		Franklin Institute of Rochester (Not mentioned in Report of 1843).	Monroe Co.

The charters of the following contain a paragraph to the following effect, unless marked by two stars following the name:

"The said academy shall not be entitled to any share or proportion of the income of the literature fund until the regents of the university shall be satisfied that said academy has complied with all the requisites which would authorize and induce the regents to incorporate the same; and in that case, said corporation shall be entitled to its distributive share of said income, subject to the regulations and restrictions applicable to academies incorporated by said regents."

Incorporation of New Platz Academy, 1833.143.

1831 R	*	Franklin 1836.29 S	Franklin Co.
.113		Highland Grove Gymnasium	Dutchess Co.
.222	1831	Fort Covington 1832.127 Right to erect a building on the public square.	Franklin Co.
.247		Buffalo Female Seminary**	Erie Co.
.271	1839	Claverack	Columbia Co.
.272	1841	Greenbush and Schodack 1832.327 Act to unite with Rensselaer School. Latter name kept.	Rensselaer Co.
1832.142		Rochester Institute of Practical Education**	Monroe Co.
.284		Catskill Classical School** (Not mentioned in 1843)	
1833.51		Bernville Academy and Female Seminary.	Albany Co.
.143	1836	New Platz Rechartered by Regents in 1845, property having been sold for debts.	Ulster Co.
.228		Oswego	Oswego Co.
.249[6]	1839	Ogdensburgh 1833.249 S This act	St. Lawrence Co.

[6] This act authorized the building of the school. It was not incorporated until 1835.

		authorized the school. 1834.173 S 1835.118 Incorporation of trustees. 1844.64 S	
.301	1839	Aurora Manual Labor Seminary 1838.228 Changed to Aurora Academy.	Erie Co.
.304	1836	Genesee and Wesleyan Seminary—Both Sexes. 1834.225 New incorporation 1839.254, 1844.253, 1847.258, and 1848.381 S	Livingston Co.
1834.40		Poughkeepsie Female	Dutchess Co.
.53	1834	Genesee Manual Labor Seminary.	
.171	1839	Mayville—Both Sexes	Chautauqua Co.
.172		Holland Patent—Both Sexes	Oneida Co.
.176		Preble High School	Cortland Co.
.191	1839	Clermont—Both Sexes	Columbia Co.
.198	1839	Waterford—Both Sexes	Saratoga Co.
.206	1836	Clinton Liberal Institute—Both Sexes.	Oneida Co.
.232	1838	Essex County 1838.131 To receive money as if report had not been late.	Essex County
.254		New Woodstock	Madison Co.
.295	1839	Troy 1837.351 Revived and united with the Rensselaer Institute.	Rensselaer Co.
.297	1839	Alexander Classical School** 1836.162 Revived 1845 Property taken by Genesee Wyoming Academy.	Genesee Co.
1835 R	*	Clarkson	Monroe Co.
.72	1839	Manlius—Both Sexes.	Onondaga Co.
.140	1839	Delaware Literary Institute—Both Sexes.	Delaware Co.
.167		Saratoga Academy and Scientific Institute—Both Sexes. 1837.203 Trustees to begin operations as soon as $3,000 is subscribed.	Saratoga Co.
.168		Rome—Both Sexes	Oneida Co.

		1848.10 Revived	
.170	1839	Syracuse—Both Sexes.	Onondaga Co.
.203		Watertown	Jefferson Co.
		1841.33 Repealed.	
.223	1839	Keeseville	Essex Co.
.263		Dover—Both Sexes.	Dutchess Co.
.269		Genesee Seminary**	Genesee Co.
.277		Fishkill Education Society Both Sexes	Dutchess Co.
.280		Nassau	Rensselaer Co.
1836 R	*	Amenia	Dutchess Co.
.83	1838	DeRuyter Institute—Both Sexes.	Madison Co.
		1847 Rechartered by Regents.	
.152	1839	Jamestown—Both Sexes	Chautauqua Co.
.159	1839	Mendon—Both Sexes.	Monroe Co.
.174		Albany, Pearl Street	Albany Co.
.176		Lafayette High School	Onondaga Co.
.209	1841	Avon	Livingston Co.
.231	1839	Hempstead Seminary	Queens Co.
.253		Schaghticoke—Both Sexes.	Rensselaer Co.
.286	1837	Poughkeepsie Female	Dutchess Co.
.288		Mount Pleasant Female Sem.	Westchester Co.
.307		Angelica—Both Sexes.	Allegheny Co.
		To report also to superintendent of common schools.	
.403		Victory	Cayuga Co.
.447	1839	Fulton Female Seminary**	Oswego Co.
		1842.156 Changed to Fulton Academy.	
		1849.349 Changed to Falley Seminary of the Black River Conference.	
.491	1838	Black River Literary and Religious Institute—Both Sexes.	Jefferson Co.
		1846.262 Changed to Jefferson County Institute	
		1849.101 Trustees, seven a quorum.	
.524	1839	Poughkeepsie Collegiate School	Dutchess Co.
.528	1839	Galway—Both Sexes.	Saratoga Co.
		1845 Rechartered by Regents, property having been sold for debt.	
1837.77		Norwich Union Seminary**	Chenango Co.

.94	1839	Schenectady Young Ladies Seminary	Schenectady Co.
.95	1839	Schenectady Lyceum and Academy for Young Men. 1839.109 Opened to girls.	Schenectady Co.
.120		Lyons—Both Sexes 1840.240 New incorporation.	Wayne Co.
.222		Southold—Both Sexes	Suffolk Co.
.231	1839	Rochester Female	Monroe Co.
.236	1839	Ames—Both Sexes	Montgomery Co.
.251	1840	Canton 1835.241 S 1837.151 S	St. Lawrence Co.
.267	1839	Seneca Falls—Both Sexes	Seneca Co.
.283	1839	Schoharie—Both Sexes	Schoharie Co.
.284	1839	Utica Female 1849.253 To increase capital stock.	Oneida Co.
.290	1841	Albion—Both Sexes	Orleans Co.
.295		Dunkirk	Chautauqua Co.
.314		Collinsville Institute	Lewis Co.
.317	1839	Fayettesville	Onondaga Co.
.336	1839	Coxsackie—Both Sexes	Greene Co.
.337	1839	Westfield—Both Sexes 1847.53 To reduce the number of trustees. 1847.275 To elect five trustees at special meeting.	Chautauqua Co.
.339	1838	Troy Female Seminary	Rensselaer Co.
.368	1839	Groton—Both Sexes	Tompkins Co.
.376	1842	Knoxville**	Albany Co.
.447		Windsor—Both Sexes. (Not mentioned in Regents' list of 1843)	Broome Co.
.463		Hudson River Agricultural Seminary	Columbia Co.
1838.55	1839	Batavia Female	Genesee Co.
.171		Pembroke and Darien Classical School	Genesee Co.
.183	1840	E. Bloomfield—Both Sexes	Ontario Co.
.192	1840	Rutger's Female Institute N. Y. City	
.234	1839	Peekskill	Westchester Co.
.273	1839	Vernon—Both Sexes.	Oneida Co.
.279	1840	Auburn Female Seminary	Cayuga Co.
.326		Weedsport—Both Sexes.	Cayuga Co.
1839.69	1840	Hobart Hall Academy—Both	Oneida Co.

		Sexes.	
.95		Marion—Both Sexes.	Wayne Co.
.96		Literary and Scientific Institute of York—Both Sexes.	Livingston Co.
.98	1846	Red Creek Union—Both Sexes	Wayne Co.
.111	1841	Amsterdam Female Seminary**	Montgomery Co.
.130	1840	Seward Female Seminary of Rochester	Monroe Co.
.145		Royalton Center—Both Sexes	Niagara Co.
.169		Troy Episcopal Institute	Rennselaer Co.
.191	1840	West Town	Orange Co.
.203	1848	Whitehall—Both Sexes. 1848 New Charter.	Washington Co.
.296		Turin	Lewis Co.
.298	1840	Ridgebury	Orange Co.
.331		Broome—Both Sexes.	Broome Co.
.334		Wallabout Select Grammar School Assn. Brooklyn.	Kings Co.
R	*	Stillwater 1848 Granted new charter by regents.	Saratoga Co.
R	*	Kingsborough	Fulton Co.
R	*	Rochester Collegiate Institute	Monroe Co.
R	*	Munro 1848.280 Regents to name a new board of trustees.	Onondaga Co.
1840.172	1841	Millville—Both Sexes. 1842.174 *Re* meeting of trustees.	Orleans Co.
R	*	Elmira	Chemung Co.
R	*	Moravia Institute	Cayuga Co.
R	*	Schuylerville	Saratoga Co.
R	*	Phipps Union Seminary	Orleans Co.
R	*	Herkimer Co.	Herkimer Co.
R	*	Sherbourne Union	Chenango Co.
R	*	Union Village	Worthington Co.
1841.76	1842	Bethany	Genesee Co.
.188	1843	Walworth	Wayne Co.
.263		Lockport—Both Sexes.	Niagara Co.
.349	1842	Walkill—Both Sexes 1842.113 Trustees given authority to borrow money.	Orange Co.
R	*	Rhinebeck	Dutchess Co.
R	*	Moriah	Essex Co.
R	*	LeRoy Female	Genesee Co.
R	*	Argyle	Washington Co.

R	*	Gilbertsville Academy and Collegiate Institute.	Otsego Co.
1842.151	1842	Waterloo—Both Sexes.	Seneca Co.
.201		Palmyra—Both Sexes.	Wayne Co.
.210	1845	Macedon—Both Sexes.	Wayne Co.
R	*	Jordan	Onondaga Co.
R	*	Glens Falls	Warren Co.
R	*	Brockport Collegiate Institute	Monroe Co.
R	*	Clinton Seminary	Oneida Co.
R	*	Augusta	Oneida Co.
R	*	Piermont	Rockland Co.
R	*	DeLancy Institute	Oneida Co.
R	*	Binghamton	Broome Co
R	*	Yates	Orleans Co.
R	*	Champlain	Clinton Co.
1843 R	*	Ball Seminary	Rensselaer Co.
R	*	Alfred 1850.30 Confirm election of trustees. 1850.259 S	Allegheny Co.
R	*	Cortlandville	Cortland Co.
R	*	Perry Center Institute	Wyoming Co.
R	*	Monroe	Monroe Co.
R	*	Norwich	Chenango Co.
1844.298		Eastern Collegiate Institute of New York City for Males.	
R	*	Astoria Institute	Queens Co.
R	*	New Berlin	Chenango Co.
R	*	Chester	Orange Co.
R	*	Little Falls	Herkimer Co.
1845.147	1847	Brooklyn Female Seminary	Queens Co.
.187	1847	Spencertown	Rensselaer Co.
.188	1845	Fonda	Montgomery Co.
R	*	Nunda Literary Institute	Allegheny Co.
R	*	Rensselaerville Academy	Rensselaer Co.
R	*	Whitestown Seminary (Founded on the property of Clinton Seminary and Oneida Institute, extinct)	Oneida Co.
R	*	Genesee and Wyoming (Founded on the remains of Alexander Classical Institute, extinct)	Genesee Co.
R	*	Cary Collegiate Seminary	Genesee Co.
1846 R	*	Lancaster	Erie Co.
R	*	Sand Lake	Rensselaer Co.
R	*	Wilson Collegiate Institute	Niagara Co.
R	*	Riga	Monroe Co.

			(Not to receive money from Regents)	
1847	R	*	Genoa	Cayuga Co.
	R	*	Brookfield	Madison Co.
	.206		Free Academy of New York City 1866 Became College of the City of New York.	
	.235	1848	S. S. Seward Institute	Orange Co.
1848	R	*	Sag Harbor Institute	Suffolk Co.
	R	*	Starkey Seminary	Yates Co.
	R	*	Whitehall	Saratoga Co.
	.199	1849	Clover Street Seminary	Oneida Co.
1849	R	*	Addison	Steuben Co.
	R	*	Windsor	Broome Co.
	R	*	Friendship	Allegheny Co.
	R	*	Sanquoit	Oneida Co.
	.110		Mansion Square Female Sem.	Dutchess Co.
	.429		Academy of the Sacred Heart	Monroe Co.
1850	R	*	Brownville	Jefferson Co.
	R	*	Prattsville	Greene Co.
	R	*	Hubbardsville	Madison Co.
	R	*	Holley	Orleans Co.
	R	*	Richburgh	Allegheny Co.
	R	*	New York Conference Seminary	Schoharie Co.
	.124	1850	Jonesville	Saratoga Co.
	.77	1850	Lockport Union	Niagara Co.

The Grammar Schools of Columbia College and of University of the City of New York as well as the New York School for the Deaf and Dumb were reckoned as academies and received money from the regents after 1838. The latter was subject to the regents by an act of April 15, 1830; the other two by act of April 17, 1838.

APPENDIX B

Acts Granting Means of Support To Individual Academies

1796 (Ch. 50)[1] Johnstown.

Granted lot No. 36 consisting of one-half acre, previously set apart for the use of a school; property vested in the trustees for the benefit of the academy.

1800 —— Fairfield.

*Granted $5,000 raised by a lottery.[2]

1800 (Ch. 112) Oxford.

Allowed to select one of the lots reserved for literature, for the sake of rebuilding after a fire.

1806 (Ch. 73) Cayuga.

*Granted two hundred seventy-five acres in the town of Scipio, provided it was not already appropriated to gospel and schools, or literary purposes.

1813 (Ch. 199).

Lot No. 24 in Ulysses, Seneca Co., Lot No. 36 in Aurelius, Cayuga Co., Lot No. 85 in Homer, Cortland Co., set apart to be appropriated to academies in these counties "as shall hereafter be regulated by the legislature." v. post 1814 (Ch. 71), 1822 (Ch. 10), 1825 (Ch. 308), 1826 (Ch. 172), for final disposition of these lots.

1813 (Ch. 199) Pompey.

Granted lot No. 15 in Camillus, Onondaga Co., the proceeds to be invested and only the income used.

1814 (Ch. 71) Cayuga.

The trustees of this academy asked for a grant of lot No. 36 in Cayuga Co. (v. ante 1813, Ch. 199). The surveyor-general reported, March 6, 1813, that this lot had already been given to Union College. Cayuga Academy was accordingly granted lot No. 89 in the town of Cato in the same county.

1814 (Ch. 200) Onondaga.

*Granted lot No. 9 in Lysander, Onondaga Co., except fifty acres.[3]

[1] This reference is to the chapter in the statutes of the year cited.

[2] This appropriation does not appear in the statutes. The regents' rept. for 1813 (Assem. Journ. 1813, p. 495) shows a grant to Fairfield for a medical school, money to be raised by lottery.

[3] Cited in the Comptroller's report of 1837 under the date of 1822. The inference is that the school did not take possession of the lot until that date.

* All items starred appear in a report of the Comptroller in 1837 relative to aid actually advanced to academies and colleges before that date. (Quoted in Senate Doc. 1856, Vol. 1, No. 32.)

1816 (Ch. 13) Lansingburgh.
Allowed to subscribe one thousand shares in the capital stock of Lansingburgh Bank for the benefit of the academy.

1816 (Ch. 148) St. Lawrence.
*Granted lot No. 56 (on another map marked No. 36); said lot not to be sold, or to be leased for more than thirty-one years. In 1828 (Ch. 177) the trustees were authorized to sell this land and invest the proceeds, the income to be used for instruction only.

1818 (Ch. 134) Lowville.
*Granted any lot of 640 acres reserved for literature in St. Lawrence Co., only the interest on the avails to be used. In 1820 (Ch. 46) the trustees were given permission to use whole avails of said lot to pay their debts.

1819 (Ch. 55) Washington (Washington Co.).
*Granted $3,000 out of unappropriated money because the buildings had been burned.

1819 (Ch. 122) Montgomery.
Granted the money to come in from quit rents on 19,000 acres of land. One of the patents was found to have been already discharged. The state, in 1821 and 1822, paid a total of $1,458.82 to settle the claims of the academy on condition that the state be released from further claims under the act of 1819.

1819 (Ch. 170) Delhi.
Granted $6,000 for the endowment of an academy at Delhi whenever the regents call for it; money to come from sale of land forfeited by the attainder of Robert Leake. (v. also under 1847, Ch. 258) for payment of interest on the same.

1821 (Ch. 250) Montgomery.
*Granted $681, from quit rents, (v. also under 1819, Ch. 122).

1822 (Ch. 3) Oxford.
*Granted bonds given by purchasers of lot No. 51 in Fayette, Chenango Co. and money already paid on said bonds; income only to be used. (Valued at $2,970.62 in Rept. of 1837 referred to above.)

1822 (Ch. 10) Cortland.
*Allowed to sell lot No. 85 in Homer, Cortland Co., (v. also under 1813, Ch. 199) only so as not to impair leases made by the supervisors.

1822 (Ch. 38) Albany Female.
*Granted money from the sale of lot mortgaged to the state and on which trustees have erected a building provided the amount received does not exceed $1,000.

1822 (Ch. 45) Montgomery.
*Granted $787.82 from quit rents. (v. also under 1819, Ch. 122.)

1822 (Ch. 183) Cooperstown Female.
Granted land on which Otsego Academy was erected, said academy having been burned in 1809 and not rebuilt.

1823 (Ch. 52) Middlebury.

*Commissioners of land office authorized to sell enough literature lots, not otherwise specifically appropriated, to amount to $1,000, and pay money to the academy.

In 1826 (Ch. 175) the treasurer was authorized to pay $1,000 in lieu of above, proceeds of sale of above land, when sold, to go to the state treasury. If the sale of land should not net $1,000, the trustees were to be held responsible to the state for the difference, with interest, on that amount.

1824 (Ch. 267) Mount Pleasant.

*Granted bond and mortgage held by the state against Matthew Faulkner for a loan of $1,000; land to be sold by trustees if mortgage is not paid.

1824 (Ch. 275) Lowville.

*Granted $3,000 from sale of literature lots as by act of 1823 (Ch. 52) q. v., provided a building valued at $8,000 be first erected. In 1826 (Ch. 105) $3,000 in money was granted in lieu of above.

1824 (Ch. 323) Red Hook.

*Granted $1,000 from sale of literature lots as by act of 1823, (Ch. 52). In 1827 (Ch. 55) $1,000 in money was granted in lieu of above.

1825 (Ch. 110) St. Lawrence.

*Granted $2,500 from sale of literature lots as by act of 1823 (Ch. 52) provided a brick or stone building be first erected worth $3,000. In 1826 (Ch. 103) $2,500 cash was granted, and the required building permitted to be "brick or stone or partly brick or stone."

1825 (Ch. 226) Fredonia.

*Granted $350 a year for five years out of money not otherwise appropriated; to be used toward the salary of a competent preceptor.

1825 (Ch. 231) Onondaga.

*Granted lot No. 100 in Lysander, Onondaga Co., except 50 acres, in exchange for lot No. 9 previously granted. (v. ante under 1814, Ch. 200). Commissioners of land office directed to appraise lots No. 9 and No. 100, exclusive of the said 50 acres and improvements, and pay to the trustees the amount of the appraisal of lot No. 100 less the appraisal of lot No. 92. The Comptroller's Report of 1837 gives the appraisal of the difference as $1,271.50.

1825 (Ch. 266) Auburn.

*Granted lot No. 88, Sterling, Cayuga Co., except 50 acres. Trustees to sell the same and use the money for an academy. In 1826 (Ch. 128) $1,002 cash was granted with interest from April 20, 1825, in lieu of above, provided trustees reconvey lot No. 88 to the state. In 1827 (Ch. 329) this act was repealed and $2,000 granted on same conditions.

1825 (Ch. 308) Ithaca.

*Provided that lot No. 24 in Seneca Co. (v. ante under 1813, Ch. 199) be sold and the proceeds divided between Ithaca Academy and Seneca County, the latter half to be kept for the benefit of an academy in the County, proceeds heretofore accruing from leasing said land to be divided also.

1826 (Ch. 112) Johnstown.
*Granted $1,600 toward a building or repairs or a library or chemical apparatus. In 1827 (Ch. 207) it was directed that surplus be invested and interest used for instruction or for a library or chemical apparatus.
1826 (Ch. 172) Ovid.
Granted the half lot given to Seneca County by law of 1825 (Ch. 308). (v. also under 1813, Ch. 199).
1826 (Ch. 205) Lewiston.
Granted the right to lease ferry lot at Lewiston and use the proceeds. This right was renewed in 1833 (Ch. 93) and 1843 (Ch. 111).
1826 (Ch. 103) St. Lawrence— v. under 1825 (Ch. 110).
1826 (Ch. 105) Lowville— v. under 1824 (Ch. 275).
1826 (Ch. 128) Auburn— v. under 1825 (Ch. 266).
1826 (Ch. 176) Middlebury— v. under 1823 (Ch. 52).
1827 (Ch. 55) Red Hook— v. under 1824 (Ch. 323).
1827 (Ch. 70) Rochester High School.
Granted permission to raise $4,000 by tax in two years. In 1828 (Ch. 131) permission was given to raise all the money in one year.
1827 (Ch. 207) Johnstown— v. under 1826 (Ch. 112).
1827 (Ch. 329) Auburn— v. under 1825 (Ch. 266).
1828 (Ch. 46) Lowville— v. under 1818 (Ch. 134).
1828 (Ch. 131) Rochester H. S.— v. under 1827 (Ch. 70).
1828 (Ch. 177) St. Lawrence— v. under 1816 (Ch. 148).
1828 (Ch. 234) Franklin. (Steuben Co.)
*Granted $2,000 from a debt due the state from George McClure, money to be used for philosophical apparatus and library.
1829 (Ch. 332) Rochester High School. To raise funds by mortgage.
1831 (Ch. 51) Rochester High School. To raise funds by tax.
1833 (Ch. 249) Ogdensburgh.
Supervisors of St. Lawrence County authorized to levy tax on town of Oswegatchie sufficient to raise $2,000 for an academy.
1834 (Ch. 173) Ogdensburgh.
Trustees of academy authorized to grant licenses for a ferry across the St. Lawrence and use revenue for academy. Granted for ten years. Renewed for ten years by act of 1844 (Ch. 64).
1835 (Ch. 169) St. Lawrence.
Supervisors of St. Lawrence County granted permission to levy taxes to amount of $500 for two years on the town of Potsdam for St. Lawrence academy, the money to be used in erecting additional building and for nothing else.
1835 (Ch. 241) Canton.
Supervisors of St. Lawrence County authorized to raise $500 by tax, the interest to go to the support of Canton Academy. The present proprietors are directed first, to convey academy property to the trustees of the "gospel and school lot" of said town of Canton. Interest on the said $500 not to be paid except on evidence that "a competent classical school" has been kept for eight months of the preceding year.

1836 (Ch. 29) Franklin (Franklin Co.)
Granted a loan of $2,000 from common school fund to be paid with interest at 6% by the town of Malone; this amount to be raised by taxation as other taxes are raised, in four instalments, in the years 1836, 1837, 1838, and 1839.

1836 (Ch. 63) Lowville.
Granted a loan of $2,000 on same terms as under 1836 (Ch. 29) above. In 1841 (Ch. 265) it was provided that money not raised in 1839 as above provided should be raised in 1842.

1836 (Ch. 81) Ithaca.
Trustees permitted to sell any of their real estate in Ithaca and invest proceeds in lands and in suitable buildings, or to loan proceeds and use the interest.

1836 (Ch. 523) Academy or High School at Sandy Hill.
Freeholders and inhabitants of Sandy Hill authorized to levy a tax not exceeding $3,000 for erecting a suitable building for an academy. (This school was never opened.)

1837 (Ch. 151) Canton.
Granted permission to raise by taxation $5,000 a year for three years, provided individual citizens first raise an equal amount, or have secured by mortgage the interest on such sums to be paid annually for twenty years.

1838 (Ch. 271) Hudson.
Bond for $5,000 with interest dated March 3, 1813, and held by the state, canceled.

1839 (Ch. 64) Gouverneur High School.
Granted loan of $2,000 from common school fund for rebuilding an academic building, to be repaid by taxation during four years as provided under 1835 (Ch. 241) above. If the trustees fail to keep a school for one year, $2,000 worth of property to revert to the town.

1839 (Ch. 254) Genesee Wesleyan Seminary.
Loan of $10,000 from common school fund for ten years at 6%. Secured by mortgage and insurance. In 1844 (Ch. 253) it was provided that $2,000 annually for six years be paid from surplus revenues of U. S. deposit fund to be applied to payment of principal and interest of above loan.

1841 (Ch. 85) St. Lawrence.
Loan of $2,000 from common school fund for ten years at 7%.

1842 (Ch. 113) Walkill.
Authorized to borrow $2,000 for six years at 7% to finish their building. (Source not specified.)

1844 (Ch. 64) Ogdensburgh— v. under 1834 (Ch. 173).

1844 (Ch. 253) Genesee Wesleyan Seminary — v. under 1839 (Ch. 254).

1847 (Ch. 258) Genesee Wesleyan Seminary—$2,300 annually for both 1847 and 1848 from U. S. deposit fund.

1847 (Ch. 258) Delhi.
Paid $289.50 being the interest at 6% on $4,825 held by the comptroller in trust for the academy by the law of 1819 (Ch. 170).
1848 (Ch. 234) Cambridge—Washington County.
Personal estate of "Margaret McClelland, a lunatic who died without heirs" assigned to said academy. Amount not stated.
1848 (Ch. 381) Genesee Wesleyan Seminary.
Granted from U. S. deposit fund $2,300 for 1849.
1849 (Ch. 301) Delhi.
$289.50 for each 1849 and 1850 as above under 1847 (Ch. 258).
1849 (Ch. 301) Dutchess County Academy.
From U. S. deposit fund $4,000.
1849 (Ch. 301) St. Lawrence.
From U. S. deposit fund $2,000.
1850 (Ch. 259) Alfred.
Loan of $10,000 authorized.

APPENDIX C

List of miscellaneous societies[1] incorporated before 1850, having some educational purpose.

1. The Society of Mechanics and Tradesmen in the city of New York for relief of indigent members and their widows and orphans. 1792, Ch. 26; incorporation continued 1811, Ch. 113; authorized to establish a school for the education of children of indigent or deceased members and to receive money from school commissioners in proportion to the number of children taught gratuitiously and also to support an apprentices' library. 1821, Ch. 15.
2. The Society of Mechanics of the City and vicinity of Albany for purpose of education and charity; to erect a school house or place of instruction for the children of members. 1801, Ch. 21.
3. Catskill Mechanical Society for the relief of indigent members, widows and orphans of members. 1807, Ch. 45.
   Authorized to establish an apprentices' library. 1826, Ch. 101.
4. Mechanics' Humane Society of Poughkeepsie. 1808, Ch. 235. Incorporation extended to 1860 and authorized to establish an apprentices' library in Troy. 1826, Ch. 279.
5. Society of Teachers of the City of New York for benevolent and literary purposes, to care for "decayed teachers" and their families and to discuss literary subjects. 1811, Ch. 155.
6. Society of Mechanics in Canandaigua, for relief of poor members and education of their children. 1813, Ch. 97.
7. Literary and Philosophical Society of New York to encourage all laudable attempts to promote the useful arts, diffuse knowledge and to enlighten the human mind. 1814, Ch. 60.
8. Lyceum of Natural History (New York City,) to promote the progress of science. 1818, Ch. 197.
9. Troy Lyceum of Natural History, to disseminate a knowledge of natural history and other sciences. 1820, Ch. 62.
10. Hudson Lyceum of Natural History. 1821, Ch. 83.
11. New York Nautical Institution and Ship Masters' Society to promote nautical skill and knowledge, acquisition of the natural sciences and for benevolent purposes. 1821, Ch. 121.

[1] It will be observed that the earliest of such societies were apparently formed chiefly for extending pecuniary aid to indigent numbers or their widows and orphans. Some also established schools for the children of members. After the establishment of the common school system this latter object naturally rarely appears. After 1820 the interest in the diffusion of scientific knowledge appears; popular lectures are provided for and libraries, reading rooms and collections of various sorts figure largely.

12. Catskill Lyceum of Natural History. 1822, Ch. 41.
13. Delaware Chemical and Geological Society to promote a knowledge of chemistry and geology and other useful sciences and for the encouragement of agriculture and domestic manufactures. 1822, Ch. 181.
14. New York Mechanics' and Scientific Institution. To institute and maintain scientific and practical lectures applicable to the arts and for collecting and forming a repository of apparatus, books, drawings, models of machinery, tools and generally for enlarging the knowledge and improving the condition of mechanics, artisans and manufacturers. 1822, Ch. 88.
15. Albany Lyceum of Natural History. 1823, Ch. 237.
16. Became Albany Institute. 1829, Ch. 43.
17. Utica Lyceum. 1826, Ch. 18.
18. New York Athenaeum for the better cultivation of literature, science and arts. 1826, Ch. 285.
19. Buffalo Lyceum to promote literature, science and the arts. 1832, Ch. 145.
20. Mechanics' Institute of the City of New York to diffuse knowledge throughout mechanical classes, to found lectures, to create a library and museum for the benefit of mechanics and to establish schools for the education of their youths. 1833, Ch. 209.
21. Utica Mechanics' Association. 1833, Ch. 91.
22. Ithaca Mechanics' Society. For benevolent purposes and "to improve themselves in mechanic arts and sciences and literature generally." 1835, Ch. 79.
23. Mechanics' Society of Buffalo. To establish a library and free school. 1836, Ch. 175.
24. Oswego Mechanics' and Manufacturers' Association. 1836, Ch. 330.
25. Skaneateles Mechanics' Literature Association. 1836, Ch. 345.
26. Stuyvesant Institute (New York City). For the diffusion of useful knowledge by popular lectures, the establishment of a library, a museum, or cabinet of natural history and a reading room. 1836, Ch. 466.
27. Elmira Mechanics' Society. 1836, Ch. 516.
28. Poughkeepsie Mechanics' Association. 1836, Ch. 519.
29. American Society for the diffusion of useful knowledge and for education in science and arts. 1837, Ch. 459.
30. Mechanics' Literary Association of Rochester. 1839, Ch. 36.
31. Brooklyn Natural History Society. 1841, Ch. 55.
32. Auburn Literary Association to establish and maintain a library, reading room, literary and scientific lectures and other means for promoting moral and intellectual improvement. 1841, Ch. 108.
33. Plattsburgh Lyceum. 1841, Ch. 207.
34. Hamilton Literary Ass'n. of Brooklyn. 1842, Ch. 122.
35. Penn Yan Washington Ass'n. 1842, Ch. 200.
36. Batavia Lyceum. 1843, Ch. 150.

37. Amsterdam Literary Ass'n. for establishing, maintaining, endowing, and conducting a literary institution for mental improvement. 1844, Ch. 143.
38. Williamsburgh Lyceum. 1845, Ch. 198.
39. Freeman's Hall Ass'n. Brooklyn. To erect a building for a museum, library, and reading room, apartments for natural history, science and the arts, school, lecture and meeting rooms, and to provide for the education of orphan children. 1845, Ch. 204.
40. Union Lyceum of Lyons. 1846, Ch. 101.
41. Polish Slavonian Literary Ass'n. For the diffusion of knowledge concerning the literature, history and science of the Slavonian race. 1846, Ch. 41.

In 1848 (Ch. 319) an act was passed for the incorporation of benevolent, charitable, scientific and missionary societies which provided that persons desiring to associate themselves for such purposes should file a certificate, stating their purpose, with the Secretary of State and with the County Clerk and that *ipso facto* they would become a body politic and corporate. Consequently the laws of 1848–1850 do not show any incorporations of this sort.

Besides these societies, attention should be called to the Academy for the Promotion of the Arts, chartered in 1808, (Ch. 6), the name of which was changed to American Academy of Fine Arts in 1817 (Ch. 124); to the National Academy of Design, chartered in 1828 (Ch. 173); and to the New York Sacred Music Society chartered in 1829 (Ch. 345).

APPENDIX D

Chronological List of Titles & Dates of Laws Relative to Education 1777-1850[1]

	Chapter	
1781	32	[2]An act for raising two regiments for the defense of this state on bounties of unappropriated lands. March 20.
1782	22	An act for raising troops to complete the line of this state in the service of the U. S. and the two regiments to be raised on bounties of unappropriated lands and for the the further defense of the frontiers of this state. March 23.
1784	18	An act providing for the incorporation of religious societies the trustees of which shall have power to erect meeting houses, school houses and other building for the use of the church. April 6.
"	51	An act for granting certain privileges to the college heretofore called King's College, for altering the name and charter thereof, and erecting a university within this state. *May 1.
"	60	An act to encourage the settlement of waste and unappropriated lands within this state. May 10.
" (8th Session	15	An act to amend the act of 1784 Chapter 51. 1st Meeting.) Nov. 26.
1785	66	An act to facilitate the settlement of the waste and unappropriated lands within this state and for repealing the act therein mentioned (1784 Chapter 60). April 11.
1786	54	An act to promote literature (Dutch Reformed church given power to erect an academy.) April 29.
"	67	An act for the speedy sale of unappropriated lands within this state and for other purposes. May 5.

[1] Acts for incorporation of academies are not included in this list. For such acts see Appendix A.

[2] This and other acts relative to unappropriated lands contain references to lands set apart for purposes of education.

1787	82	An act to institute a university within this state and for other purposes. April 13.
1788	62	An act for the better settlement and relief of the poor. March 7.
1789	32	An act for the sale and disposition of lands belonging to the people of this state. Feb. 25.
"	44	An act to appropriate the lands set apart to the use of the troops of the line of this state lately serving in the army of the U. S. and for other purposes. Feb. 28.
1790	38	An act for the further encouragement of literature. Mar. 31.
"	59	An act to carry into effect the concurrent resolutions and acts of the legislature for granting certain lands promised to be given as bounty lands and for other purposes. Apr. 6.
1791	41	An act for building a school house and maintaining a school in the town of Clermont. Mar. 21.
"	45	An act to enable the regents of the university to establish a college of physicians and surgeons. Mar. 24.
1792	69	An act to encourage literature by donations to Columbia College, and to the several academies in the state. Apr. 11.
1794	54	An act for the further sale of unappropriated lands of this state. Mar. 27.
1795	29	An act concerning the legacy bequeathed by David Jones for the benefit of a charity school. Mar. 24.
"	55	An act relative to the town of Schenectady. (Schenectady Academy changed to Union College.) Apr. 6.
"	75	An act for the encouragement of schools. Apr. 9
"	76	An act for the payment of officers of the government and other contingent expenses. (Money to Union College.) Apr. 9.
1796	49	An act to amend 1795 Chapter 75. Apr. 6.

1796	50	An act relative to certain confiscated lands in the counties of Saratoga and Montgomery. Apr. 6.
"	57	An act for the payment of certain officers of the government for other contingent expenses. (Appropriation to Columbia continued.) Apr. 11.
"	69	An act for the further direction of the commissioners of the land office. (Relative to Gospel and School lots). Apr. 11.
1797	34	An act further to amend 1795 Chapter 75. Mar. 10.
"	65	An act respecting Union College. Mar. 30.
1798	48	An act relative to the lots of land reserved for the support of gospel and schools, and for the promotion of literature in the military tract of the county of Onondaga. Mar. 23.
"	86	An act to raise a sum of money for building a court house and gaol in Delaware Co. and for other purposes. (Relating to the division of school money when counties are divided.) Apr. 4.
1799	46	An act to incorporate the town of Stephentown for the purposes therein mentioned. Mar. 23.
"	93	An act to raise a sum of money for the use of this state by a tax and for the further support of the government. Apr. 3.
1800	19	An act to augment the funds of Union College in the town of Schenectady. Mar. 7.
"	63	An act to direct the distribution of the money appropriated by law for the encouragement of schools in the counties of Rockland and Orange. Mar. 25.
"	67	An act to amend an act entitled "An act to divide the county of Clinton and for other purposes." (Division of Gospel and School lots). Mar. 28.
"	101	An act relating to the Oneida tribe of Indians. Apr. 4.
"	112	An act relative to Oxford Academy. Apr. 7.
1801	11	An act concerning apprentices and servants. Feb. 20.

1801	21	An act to incorporate the society of mechanics of the city and vicinity of Albany for purposes of education and charity. Mar. 6.
"	69	An act concerning the commissioners of the land office and the settlement of lands. Mar. 24
"	71	An act to amend 1800 Chapter 19. Mar. 24.
"	126	An act for the encouragement of literature. Apr. 3.
"	147	An act relative to Indians. Apr. 4.
"	189	An act directing certain monies to be applied to the use of free schools in New York City. Apr. 8.
"	195	An act for the payment of certain officers of the government. (Relative to Ch. 75, 1795) Apr. 8.
1802	30	An act relative to academies. Mar. 8.
"	50	An act for the benefit of St. Regis Indians. Mar. 26.
"	58	An act providing for the erecting of certain buildings for the Tuscarora and Seneca tribes of Indians. Mar. 30.
"	65	An act directing the treasurer of this state to pay to the treas. of Ontario Co. a sum of money to which the Co. is entitled under the act for the encouragement of schools. Mar. 30.
"	105	Amendment to 1790 Chapter 38. Apr. 3.
1803	103	Supply Bill. Money received for common schools to be placed at interest. Apr. 6.
1804	7	An act for the establishing of schools in New Stockbridge for the instruction of Indian children. Feb. 28.
"	14	An act to incorporate the society for propagating the gospel among the heathen formed by members of the Episcopal Church of the United Brethren. Feb. 29.
"	111	An act relative to unappropriated lands. Apr. 11.
1805	41	Amendment to 1804 Chap. 7. Mar. 16.
"	62	An act for the endowment of Union College. Mar. 30.

1805	66	An act to raise a fund for the encouragement of common schools. Apr. 2.
"	108	An act to incorporate the society instituted in the city of New York for the establishment of free schools for the education of poor children, who do not belong to or are not provided for by any religious society. Apr. 9.
"	136	An act for the relief of the inhabitants residing on the 20 townships in the Co. of Chenango. Apr. 10.
1806	52	An act to incorporate the Trustees of the first Protestant Episcopal Charity School in the city of New York. Mar. 11.
"	63	An act respecting the Free School of St. Peter's Church in the city of New York. Mar. 21.
"	73	An act for the relief of the trustees of Cayuga Academy. Mar. 21.
"	125	An act to amend 1805 Chapter 108. Apr. 2.
"	161	An act to amend 1801 Chapter 147. Apr. 7.
1807	9	Incorporation of the New York Masons' Society for charitable purposes and for "Establishing a school for the education of the children of deceased and indigent members." Feb. 20.
"	20	An act for the encouragement of free schools in the city of N. Y. Feb. 27.
"	32	An act further to increase the common school funds. Mar. 13.
"	135	An act relative to the lots of land reserved for the support of the gospel and schools, in the Cos. of Onondaga, Cayuga and Seneca. Apr. 4.
"	171	An act concerning lotteries. Apr. 6.
"	179	An act to incorporate the Orphan Asylum Society, in the City of New York. Apr. 7.
1808	19	An act to incorporate the society, formed in the state of New York for promoting the manumission of slaves, and protecting such of them as have been or may be liberated. Feb. 19.

1808 126 An act respecting Union College. Apr. 1.

" 193 An act giving an additional term of the General Sessions of the Peace and for other purposes. (Section 4. Relative to the investment of school funds). Apr. 8.

" 194 An act to divide Onondaga Co. (Sec. 13) Apr. 8.

" 218 An act to amend 1798, Chap. 48. Apr. 11.

1808 (32nd Session) 9 An act making further provision for the erection of an Arsenal and for other purposes. (Lottery for College of Physicians & Surgeons.) Nov. 8.

1809 72 An act for dividing the lot set apart for gospel and school in the town of Romulus, between Romulus and the town of Fayette. Mar. 17.

1810 5 An act to vest certain powers in the supervisors and assessors of the several towns in the County of Clinton. Feb. 17.

" 50 An act for promoting medical science in the state of New York. Mar. 12.

" 53 An act directing the payment of a sum of money borrowed by the trustees of Union College on the credit of the state from the Bank of Albany, and for other purposes. Mar. 16.

" 85 An act relative to Columbia College in the city of New York. Mar. 23.

" 96 An act to alter the plan of the Village of Lewiston, on the Niagara River. (§11 Money to be used for Common School). Mar. 30.

" 152 An act to amend an act entitled, "An act for establishing schools in New Stockbridge, for the instruction of Indian children." 1804, Ch. 7. Apr. 5.

" 159 An act to render the fund for the support of common schools more productive. Apr. 5.

" 196 An act concerning the clerks of the Supreme Court of this state and for other purposes. (§5 Relative to a school money.) Apr. 6.

1811	20	An act authorizing the trustees of Union College to invest the monies heretofore granted to them by this state, in the capital stock of the Mohawk Bank. Feb. 22.
"	49	An act relative to the trustees of common schools in the town of Jerico. Mar. 15.
"	55	An act extending the time for the payment of school fund loans. Mar. 22.
"	83	An act to provide for the punctual payment of the prizes in Union College Lottery Number 2. Mar. 29.
"	84	An act for the further encouragement of free schools in the city of New York. Mar. 30.
"	104	An act to incorporate the trustees of the Somers Village School. Apr. 3.
"	155	An act to incorporate the society of teachers in the city of New York, for benevolent and literary purposes. Apr. 4.
"	246	An act for the payment of certain officers of government and for other purposes. (Money to Shearith Israel; money to Columbia; commission appointed on a system of common schools.) Apr. 9.
1812	6	An act to render the Provost of Columbia College elegible to be a trustee. Feb. 14.
"	12	An act to sell the public lot of Genoa. Feb. 21.
"	20	An act to provide for the election of an additional number of trustees in the Free School Society of New York, and for other purposes. Feb. 28.
"	26	An act to incorporate the Poughkeepsie Humane Society. (For the care and education of poor children.) Mar. 6.
"	35	An act for the relief of certain borrowers from the Common School Fund. Mar. 20.
"	55	An act to incorporate the Albany Lancaster School Society. May 26.

1812 131 An act to enable the regents of the university to establish a college of physicians and surgeons in the town of Fairfield, in the County of Herkimer. June 12.

" 147 An act to incorporate the trustees of Union School, in Milton. June 12.

" 177 An act relative to the lots appropriated for the support of the gospel and schools on the twenty townships west of the Unadilla River, in the Counties of Chenango, Madison and Oneida, and for other purposes. June 16.

" 222 An act for the endowment of the College of Physicians and Surgeons of the Western District. June 19.

" 237 An act for the endowment of Hamilton College, and for other purposes. (Charter to College of Physicians and Surgeons confirmed.) June 19.

" 242 An act for the establishment of common schools. June 19.

1813 29 An act to amend act 1812 Chapter 55. Feb. 12.

" 52 An act supplementary to the act entitled, "An act for the establishment of Common Schools." 1812, Ch. 242. Mar. 12.

" 87 An act to incorporate the Female Association of the city of New York, and to amend the act relative to the Geneva Friendly Society. (For the education and care of poor children.) Mar. 26.

" 97 An act to incorporate the Society of Mechanics in the village of Canandaigua, for the purpose therein mentioned. (Education of orphans.) Apr. 2.

" 98 An act extending the time, and continuing in force for a limited period, certain banking incorporations in this state, and for other purposes (Concerning funds belonging to Columbia and Hamilton Colleges invested in bank stock.) Apr. 2.

" 100 An act concerning the Gospel and School Lots. Apr. 2.

" 128 An act relative to Union College Lottery. Apr. 5.

" 185 An act authorizing the Comptroller to loan monies belonging to the School Fund, and for other purposes. Apr. 12.

1813	187	An act directing the sale of certain lands for the benefit of Academies. Apr. 12.
"	199	An act to authorize the sale of lands appropriated for the promotion of literature. Apr. 13.
"	203	An act for the payment of certain officers of Government, and for other purposes. (§28 Relative to Albany Lancaster School.) Apr. 13.
1814	27	An act to amend an act entitled, "An act for the establishment of Common Schools." 1812 Ch. 242. Mar. 4.
"	42	An act to incorporate the Poughkeepsie Lancaster School Society. Mar. 11.
"	57	An act to incorporate the Ursuline Convent of the City of New York. Mar. 25.
"	60	An act to incorporate the Literary and Philosophical Society of the city of New York. Mar. 25.
"	71	An act for the relief of Cayuga Academy. Mar. 25.
"	79	An act relative to Erasmus Hall. Apr. 1.
"	83	An act to amend an act entitled, "An act directing the sale of certain lands for the benefit of Academies." 1813, Ch. 187. Apr. 1.
"	112	An act confirming the division of the lots, appropriated for the Gospel and Schools on the Twenty Townships, west of the Unadilla River, in the counties of Chenango, Madison and Oneida. Apr. 9.
"	120	An act instituting a Lottery for the promotion of literature and for other purposes. Apr. 13.
"	127	An act to build a bridge over Genesee River, and for other purposes. (To authorize a levy for the County School tax.) Apr. 13.
"	192	An act for the better establishment of Common Schools. Apr. 15.
"	194	An act authorizing the application of the common school monies in the Village of Athens and in the city of Hudson, to the education of poor children. Apr. 15.

1814	200	An act for the payment of certain officers of Government, and for other purposes. (Relative to Union College and Onondaga Academy.) Apr. 15.
1815	90	An act for the relief of the Montgomery Academy. Mar. 24.
"	115	An act to enable the trustees of School District Number 7, in the town of Bath, to hold by deed a certain lot therein mentioned. Mar. 31.
"	207	An act to amend the act entitled "An act relative to the University." Apr. 17.
"	252	An act to amend the act entitled "Establishment of Common Schools" 1814, Ch. 192. Apr. 18.
1816	13	An act relative to the Lansingburgh Academy. Feb. 20.
"	87	An act to incorporate a school for people of color, in the city of Albany. Apr. 12.
"	90	An act for the sale of certain unappropriated lands, in the county of Otsego. Apr. 12.
"	131	An act to incorporate the city of Troy. Apr. 12.
"	148	An act to vest the title to certain lands in the trustees of St. Lawrence Academy. Apr. 15.
"	166	An act directing the incorporation of the Hartwick Seminary. Apr. 17.
"	202	An act concerning the Gospel and School Lot in the town of Chenango and county of Broome, and for other purposes. Apr. 17.
" (2nd Session)	12	An act to incorporate the Schenectady Lancaster School Society. Nov. 12.
1817	87	An act to incorporate the Catskill Lancaster School. Mar. 14.
"	89	An act relative to Academies. Mar. 14.
"	91	An act for the relief of Hamilton College. Mar. 18.

1817	109	An act authorizing a loan of money to the trustees of the College of Physicians and Surgeons of the city of New York. Mar. 21.
"	124	An act to amend the act entitled, "An act to incorporate the academy instituted in the city of New York, for the promotion of arts" 1808, Ch. 6. Feb. 12. See Appendix C p. 201. Mar. 28.
"	145	An act respecting the Free School Society of New York. Apr. 5.
"	150	An act to enable the trustees of the Hartwick Seminary to sell and convey real estate. Apr. 5.
"	151	An act for the relief of the trustees of the twelfth school district of the town of Whitestown, in the county of Oneida. Apr. 5.
"	192	An act to incorporate the village of Utica. Apr. 7.
"	203	An act relative to the gospel and school lot in the town of Eastern, in the county of Chenango. Apr. 11.
"	250	An act to incorporate the Hannibal and Volney Bridge Co. and for other purposes. (Concerning Lewiston School Fund.) Apr. 15.
"	264	An act to incorporate the members of the New York institution for the instruction of the deaf and dumb. Apr. 15.
"	272	An act for the incorporation and support of the Hudson Lancaster Society. Apr. 15.
"	274	An act to incorporate the Baptist Theological Seminary and for other purposes. Apr. 15.
"	286	An act to incorporate the Roman Catholic Benevolent Society in the city of New York. (Education of orphan children.) Apr. 15.
1818	105	An act concerning common schools in the village of Lewiston. Apr. 10.
"	128	An act relative to the managers of a free school in the town of Flushing, in Queens County. Apr. 10.

1818	134	An act for the support of Lowville Academy. Apr. 10.
"	148	An act for the relief of the town of Providence, in the county of Saratoga. (Relative to school money.) Apr. 15.
"	153	An act to revive the act entitled, "An act to incorporate the society of teachers in the city of New York, for benevolent and literary purposes. (First incorporation April 4, 1811.) Apr. 15.
"	157	An act relative to the north half of the Gospel and School Lot in the town of Guilford in the county of Chenango. Apr. 15.
"	176	An act concerning the Gospel and School Lot in the town of Hector. Apr. 17.
"	184	An act to incorporate the Hamilton Free School and for other purposes. Apr. 17.
"	192	Charter of Schenectady Academy revived. Apr. 17.
"	197	An act to incorporate the Lyceum of Natural History, in the city of New York. Apr. 20.
"	199	An act to incorporate the Richmond County Society for the education and protection of orphans and destitute children, and for the promotion of virtue and religion. Apr. 20.
"	222	An act to organize the militia. (Teachers in colleges, academies, and common schools exempt.) Apr. 21.
"	229	An act concerning the Gospel and School Lot in the town of Preble, in the county of Cortland. Apr. 21.
"	243	An act authorizing a loan to the president and directors of the Mohawk Turnpike Company. (Loan to be out of common school fund.) Apr. 21.
"	257	An act to loan money from the School fund. Apr. 21.
"	275	Payment of Officers of Government. ($300 additional to Superintendent.) Apr. 21.
1819	19	An act relative to Columbia College, in the city of New York. Feb. 19

1819	35	An act to incorporate to the Baptist Education Society of the state of New York. Mar. 5.
"	55	An act for the relief of the trustees of the Washington Academy. Mar. 19.
"	65	An act for the relief of the Free School Society in the city of New York. Mar. 26.
"	85	An act relative to the Gospel and School Lot in Clinton Township, now the town of Bainbridge, in the county of Chenango. Apr. 2.
"	122	An act to enable the trustees of the Montgomery Academy to erect a new building. Apr. 9.
"	161	An act for the support of Common Schools. Apr. 12.
"	164	An act for the relief of the town of Cicero. (Relative to the school lots.) Apr. 12.
"	168	An act respecting the Female Association. (Use of school money prescribed.) Apr. 12.
"	170	An act concerning an academy in the county of Delaware. Apr. 12.
"	212	An act to change and increase the fund for the support and encouragement of Common Schools and for other purposes. Apr. 13.
"	222	An act concerning Quit Rents and to increase the literature and school funds respectively. Apr. 13.
"	224	An act to amend Chap. 177 of 1812. Apr. 13.
"	238	An act in aid of the institution for the instruction of the deaf and dumb. Apr. 13.
"	239	An act for the more speedy collection of money arising from the rent and profits of gospel and school lots. Apr. 13.
1820	33	An act to provide for a deficit in the fund to be distributed for the benefit of common schools. Feb. 4.
"	62	An act to incorporate the Troy Lyceum of Natural History. Mar. 7.

1820 115 An act relative to the common lands of the free holders and inhabitants of Harlaem. (Money to be used for schools.) Mar. 28.

" 121 An act for the further support of the College of Physicians and Surgeons of the Western District. Mar. 30.

" 122 An act for the more easy pleading in certain suits, and for the relief of School Districts No. 6 and 14, in the town of Deerfield and county of Oneida. Mar. 30.

" 124 An act for the payment of the officers of Government therein mentioned. (To the Superintendent of schools $400.) Apr. 1.

" 127 An act relative to the Roman Catholic Benevolent Society in the city of New York. Apr. 1.

" 143 An act for the relief of the trustees of School Districts, No. 1, 14 and 17, in the town of Otsego. Apr. 4.

" 171 An act relative to certain schools in the city of Hudson. Apr. 11.

" 215 An act to incorporate the Presbyterian Theological Seminary established by the Synod of Geneva, at Auburn in the county of Cayuga. Apr. 14.

" 224 An act for the relief of certain school districts. (Relative to reports.) Apr. 14.

" 232 An act to enable the Mayor, Aldermen and Commonalty of the city of Albany to dispose of their public lands by a lottery. (Money to be used for schools.) Apr. 14.

1821 15 An act to amend an act entitled, "An act relative to the General Society of Mechanics and Tradesmen of the city of New York," passed April 3, 1811. (To receive school money.) Jan. 26.

" 30 An act authorizing the sale of Lot No. 1, in the town of Scipio. (For the benefit of schools.) Feb. 2.

" 41 An act for the relief of the town of Rye. (Land to be sold for use of schools.) Feb. 9.

" 43 An act to authorize the Surveyor General to convey to David M. Smith a lot of land in the village of Lewiston,

and for other purposes. (Proceeds of land to be used for schools.) Feb. 9.

1821 48 An act for the relief of certain school districts. (Late reports to be honored.) Feb. 16.

" 54 An act directing a grant of land for the site of a school house, in School District No. 2, in the town of Fort Covington in the county of Franklin. Feb. 16.

" 61 An act relative to the incorporation of Lancastrian and other schools. Feb. 23.

" 73 An act to provide for the payment of a deficit in the fund to be distributed for the support and encouragement of Common Schools. Feb. 28.

" 91 An act concerning the Gospel and School Lot in the town in Tully in the county of Onandaga. Mar. 13.

" 112 An act to incorporate the trustees and inhabitants of Delhi and to invest them with certain powers. (Relative to schools.) Mar. 16.

" 121 An act to incorporate the N. Y. Nautical Institution and Ship Master's Society. Mar. 23.

" 123 An act respecting the Gospel and School Lot in the town of Oswego. Mar. 23.

" 138 An act granting a building lot, in the village of Oneida Castleton to the Hamilton Baptist Missionary Society. (For a residence for the teacher.) Mar. 23.

" 190 An act concerning the Gospel and School Lot in the town of Madrid and for other purposes. Mar. 30.

" 233 An act to divide the town of Windsor. (School lot to Oxford Acad.) Apr. 3.

" 250 An act for the payment of certain officers of Government and for other purposes. (Money appropriated to certain institutions and office of State Supt. of Common Schools abolished). Apr. 3.

1822 3 An act concerning Lot No. 51, in the township of Fayette. (To be ceded to Oxford Academy.) Feb. 4.

1822 10 An act authorizing the trustees of Cortland Academy to sell Lot No. 85, in the town of Homer. Feb. 4.

" 14 An act concerning Lot. No. 24, in the town of Genoa in the County of Cayuga. (For the use of common schools.) Feb. 4.

" 24 An act for the relief of the trustees of the Bethel Baptist Church in the city of New York. (Uses to which school money may be put after teachers have been paid.) Feb. 8.

" 38 An act for the relief of the trustees of the Albany Female Academy. Feb. 23.

" 41 An act to incorporate the Catskill Lyceum of Natural History. Feb. 28.

" 44 An act for the relief of the Commissioners of Common Schools in the town of Washington in the county of Dutchess. (Relative to an unequal apportionment of school money.) Feb. 28.

" 45 An act for the relief of the trustees of Montgomery Academy. Feb. 28.

" 59 An act concerning the School Fund in the town of Otisco, in the county of Onondaga. (Relative to division of school money between certain towns.) Mar. 15.

" 61 An act to provide for a deficiency in the School Fund. Mar. 15.

" 70 An act to authorize the Freeholders and Inhabitants of the Oyster Bay to lease or otherwise regulate the Common Lands. (One half the income to be used for common schools.) Mar. 15.

" 88 An act to incorporate the New York Mechanic and Scientific Institution. Mar. 22.

" 118 An act to divide the town of Chemung in the county of Tioga. (Apportionment of school money.) Mar. 29.

" 134 An act for the relief of the College of Physicians and Surgeons, in the city of New York. Mar. 29.

1822	149	An act concerning the Gospel and School Lot belonging to the towns of Ulysses, Enfield, and Ithaca. Apr. 5.
"	150	An act to incorporate the General Theological Seminary of the Protestant Episcopal Church in the United States. Apr. 5.
"	181	An act to incorporate the Delaware Chemical and Geological Society. Apr. 12.
"	197	An act to authorize the trustees of Farmers' Hall Academy to be trustees of a Common School District, and for other purposes. Apr. 12.
"	212	An act relative to the Gospel and School Lot in the town of Hector. Apr. 12.
"	230	An act authorizing the trustees of the village of Johnstown in the county of Montgomery, and Ogdensburgh in the county of St. Lawrence, to license Grocers and Victuallers within the limits of the said villages and for other purposes. (Relative to a late report from school commissioners.) Apr. 16.
"	234	An act to provide for the instruction of the indigent deaf and dumb within this state. Apr. 16.
"	256	An act to amend the act entitled, "An act for the support of Common Schools." Ch. 212 of 1819. Apr. 17.
"	269	An act concerning the Gospel and School Lot in the town of Galen. Apr. 17.
1823	32	An act concerning the Gospel and School Lot in the town of Stockholm. Feb. 8.
"	36	An act to amend an act entitled, "An act relative to the city of Schenectady." 1795, Ch. 55. Feb. 14.
"	52	An act for the relief of the trustees of Middlebury Academy in the county of Genesee. Mar. 3.
"	56	An act for the improvement of the school fund. Mar. 8.
"	76	An act concerning the Gospel and School Lots in the several towns of the county of St. Lawrence. Mar. 21.

1823	134	An act relating to the Gospel and School lands, belonging to the town of Granby in the county of Oswego. Apr. 11.
"	150	An act to authorize the trustees of the Oyster Bay Academy to be the trustees of a school district. Apr. 12.
"	156	An act for the relief of the trustees of School District No. 13, in the towns of Verona and Vernon, in the county of Oneida (Land ceded to district.) Apr. 12.
"	189	An act to incorporate the Central Society for the instruction of the deaf and dumb in this state. Apr. 19.
"	193	An act further amending the act for the support of Common Schools. 1819 Ch. 161. Apr. 19.
"	227	An act to incorporate the Albany Lyceum of Natural History. Apr. 23.
"	229	An act authorizing the supervisors of the county of Tompkins to lease lot No. 24 in Ulysses. Apr. 23.
"	230	An act relating to part of the avails of the Gospel and School Lot of the town of Tully. Apr. 23.
1824	5	An act confirming the sale of certain lands by the trustees of Manlius. Jan. 16.
"	96	An act establishing the boundaries of the literature and gospel and school lots in the town of Madrid in the county of St. Lawrence. Mar. 17.
"	126	An act to incorporate the Society for the Reformation of Juvenile Delinquents in the city of New York. Mar. 29.
"	131	An act supplementary to an act entitled, "An act concerning the Gospel and School Lot in the town of Chenango and county of Broome and for other purposes," passed April 17, 1816. Mar. 30.
"	141	An act concerning the Gospel and School Lot in the town of Sterling. Apr. 1.
"	239	An act for the payment of certain Officers of Government and other persons therein named and for other purposes. (To make good the deficit in school funds.) Apr. 12.

1824	267	An act for the benefit of the Mount Pleasant Academy. Nov. 17.
"	275	An act for the relief of the trustees of the Lowville Academy. Nov. 19.
"	276	An act relating to Common Schools in the city of New York. Nov. 19.
"	302	An act for vesting the capital of the School Fund. Nov. 24.
"	307	An act concerning the Gospel and School Lands in the town of Colesville in the county of Broome. Nov. 24.
"	313	An act to assign the public lands in Otsego County and the bonds on sales thereof, theretofore made to their respective fund. (That is to general funds, common school fund, and literature fund.) Nov. 24.
"	323	An act making on appropriation for the Red Hook Academy. Nov. 25.
"	333	An act to increase the Common School Fund. Nov. 27.
1825	7	An act relative to the Gospel and School Lot in Greene township in the town of Greene and county of Chenango. Feb. 5.
"	106	An act relative to the Albany Academy. Apr. 8.
"	107	An act in aid of the managers of the Society for the Reformation of Juvenile Delinquents in the city of New York. Apr. 9.
"	110	An act for the relief of the trustees of the St. Lawrence Academy. Apr. 9.
"	141	An act relative to the Gospel and School lots in the town of Coventry in the county of Chenango. Apr. 13.
"	153	An act authorizing the sales of Lot No. 43 in the Edmeston Tract. (For the use of Common Schools.) Apr. 14.
"	166	An act extending and supplementary to certain acts providing for the indigent deaf and dumb within this state. Apr. 15.

1825	226	An act for the relief of Fredonia Academy. Apr. 20.
"	231	An act for the relief of the trustees of the Onondaga Academy. Apr. 20.
"	260	An act to convey to St Lawrence Academy certain land. Apr. 20.
"	266	An act for the relief of the Auburn Academy in the county of Cayuga. Apr. 20.
"	294	An act concerning the Gospel and School Lots in the several towns in the county of St. Lawrence. Apr. 21.
"	308	An act in addition to Chap. 199 of 1813. Apr. 21.
1826	18	An act to incorporate the Utica Lyceum. Jan. 21.
"	24	An act to amend Ch. 126 of 1824. Jan. 28.
"	25	An act in relation to the Free School Society of New York. Jan. 28
"	30	An act to amend Ch. 100 of 1813. Feb. 2.
"	32	An act to authorize the High School Society of New York to increase their capital stock. Feb. 3.
"	77	An act to incorporate the N. Y. House Carpenters, Architectural and Benevolent Association. Mar. 14.
"	103	An act to carry into effect the provisions of an act for the relief of the trustees of St. Lawrence Academy, passed April 9, 1825. Apr. 1.
"	105	An act to carry into effect the provisions of Ch. 275 passed Nov. 19, 1824. Apr. 1.
"	112	An act for the relief of Johnstown Academy. Apr. 5.
"	115	An act relative to certain school districts in the city of Hudson. Apr. 7.
"	117	An act to amend the act relating to Common Schools in the city of New York, passed Nov. 19, 1824. Apr. 8.
"	118	An act to amend an act entitled, "An act for the relief of the town of Rye," passed Feb. 9, 1821. Apr. 8.

1826 121 An act for the relief of George Hall, Oliver W. Brewster and John Gridley, trustees of School District No. 28, in the town of Onondaga, in the county of Onondaga. Apr. 8.

" 128 An act to amend an act entitled, "An act for the relief of the Auburn Academy in the county of Cayuga," passed April 20, 1825. Apr. 8.

" 135 An act for the relief of the trustees of School District No. 13 in the town of Lansing in the county of Tompkins. Apr. 10.

" 162 An act relative to the Gospel and School Lot and the Literature Lot in the town of Owego in the county of Tioga. Apr. 12.

" 176 An act in addition to an act entitled, "An act for the relief of the trustee of Middlebury Academy in the county of Genesee." 1823 Ch. 52. Apr. 13.

" 185 An act to amend the several acts relating to the city of Albany and to combine the same into one act. Apr. 13.

" 205 An act relating to the Lewiston School Fund. Apr. 15.

" 220 An act concerning the Gospel and School Lots in the town of Governeur and of Morristown, in the county of St. Lawrence. Apr. 15.

" 229 An act concerning the Gospel and School Lots in the town of Salina and county of Onondaga. Apr. 17.

" 244 An act relative to the Gospel and School Lots and the Literature Lots in Sidney and De Kalb. Apr. 17.

" 263 An act relative to the Ithaca Academy. Apr. 17.

" 285 An act to incorporate the New York Athenaeum. Apr. 17

" 291 An act for the relief of David Austin and George V. Hazard late trustees of School District No. 4 in the town of Milo in the county of Yates. Apr. 18.

" 298 An act to increase the distribution of monies to Common Schools. Apr. 18.

1826 305 An act confirming the payment of certain monies out of the Treasury for the benefit of Common Schools and for other purposes. Apr. 18.

1827 30 An act relative to Kingston Academy. Jan. 27.

" 55 An act in addition to Ch. 323 of 1824. Mar. 6.

" 65 An act relative to the Literature, Gospel and School Lots in the county of St. Lawrence. Mar. 10.

" 69 An act amending 1822 Chapter 53. (Incorporation of Female Seminary of Newtown). Mar. 15.

" 97 An act to provide for the building an Asylum for the Deaf and Dumb of the city of New York. Mar. 23.

" 132 An act to incorporate the Manhattanville Free School in the 12th ward in the city of New York. Mar. 30.

" 144 An act to incorporate the trustees of the Yorkville School in the 12th ward of the city of New York. Apr. 2.

" 149 An act to incorporate the trustees of the Harlaem School in the 12th ward in the city of New York. Apr. 2.

" 162 An act relative to certain school districts in the city of Schenectady. Apr. 6.

" 180 An act to amend the act entitled, "An act relative to the Gospel and School Lots, and Literature Lots in Sidney and DeKalb," passed April 17, 1826. Apr. 11.

" 228 An act to provide permanent funds for the annual appropriation to Common Schools to increase the Literature Fund, and to promote the education of teachers. Apr. 13.

" 230 An act to encourage the sale of the public lands appropriated to the Common School Fund in the 4th Senate District and to promote geological and mineralogical researches. Apr. 13.

" 271 An act to incorporate a Monitorial School Society in the village of Lansingburgh. Apr. 14.

" 289 An act further to amend Ch. 52 of 1806. Apr. 16.

1827	305	An act to vest certain land belonging to the people of this state in the trustees of School District No. 23, in Johnstown. Apr. 16.
"	313	An act to alter the time of holding the Annual Town Meetings in the town of LaFayette in the county of Onondaga, and for the appointment of trustees of the School Fund belonging to said town. Apr. 16.
"	329	An act to amend Chap. 266 of 1825. Apr. 17.
"	335	An act for the payment of certain Officers of Government and other persons therein named and for other purposes (Money to Superintendent for visiting School for Deaf and Dumb.) Apr 17.
1828	16	An act for the relief of certain school districts in the town of Rome in the county of Oneida. Jan. 21.
"	44	An act relative to the Common School Fund of the town of Edmeston in the county of Otsego. Feb. 26.
"	46	An act for the relief of Lowville Academy. Feb. 26.
"	61	An act to increase the captial stock of the Flushing Institute. Mar. 11.
"	88	An act concerning the Gospel and School Lands in the town of Sanford in the county of Broome. Mar. 20.
"	99	An act for the relief of the trustees and collector of School District No. 3, in the town of Frankfort in the county of Herkimer. Mar. 21.
"	125	An act relative to the Rensselaer Oswego Academy. Mar. 28.
"	131	An act to amend the act entitled, "An act to incorporate the Rochester High School in the county of Monroe." 1827 Ch. 70. Mar. 28.
"	158	An act for the relief of the Lansingburgh Monitorial School. Apr. 5.
"	173	An act to incorporate the "National Academy of Design." Apr. 3.

1828 177 An act to amend the act entitled, "An act to vest the title to certain lands in the trustees of St. Lawrence Academy." 1816, Ch. 148. Apr. 5.

" 234 An act for the relief of the Franklin Academy. Apr. 17.

" 240 An act in relation to the Gospel and School Lot in the town of Potsdam. Apr. 18.

" 282 An act for the relief of the Female Academy in the village of Cooperstown. Apr. 19.

" 323 An act relative to the city of Schenectady. (Use of school money.) Apr. 21.

" 14 (2nd. Meeting of 51st. Sess.) An act authorizing the trustees of School District No. 8 in the town of York, to sell the old school lot belonging to the said district. Nov. 11.

" 21 An act to repeal certain acts and parts of acts. Dec. 10.

1829 4 An act relative to deeds and mortgages executed or to be executed by the Public School Society of New York. Jan. 20.

" 15 An act for the relief of the trustees of the Rensselaer Oswego Academy. Jan. 31.

" 23 An act authorizing the Overseers of the poor of the town of Saranac to pay over certain monies in their hands to the Commissioners of Common Schools in said town. Feb. 5.

" 43 An act to incorporate the Albany Institute. Feb. 27.

" 84 An act for the relief of Matthew Brown, Jr. (To be reimbursed for money spent in connection with law suits over school assessments.) Mar. 28.

" 98 An act in relation to School District No. 12, in the town of Attica. Apr. 3.

" 112 An act concerning the Gospel and School Lot in the town of Chenango in the county of Broome. Apr. 9.

" 115 An act to amend an act authorizing the trustees of School District No. 8 in the town of York, to sell the old school

lot belonging to the said district, passed November 11, 1828. Apr. 11.

1829 123 An act confirming the reports of the trustees of certain school districts in the county of Broome. Apr. 13.

" 177 An act authorizing the town of Fort Edward to dispose of certain public monies. (Poor funds to be used for schools.) Apr. 18.

" 182 An act to incorporate "The Schenectady African School Society." Apr. 18.

" 201 An act authorizing the investment of a part of the school fund in stock, to be created for the construction of the Cayuga and Seneca Canal. Apr. 21.

" 232 An act to amend an act entitled, "An act to incorporate the stockholders of the Buffalo High School Association." 1827 Ch. 330. Apr. 23.

" 247 An act to incorporate the New York African Clarkson Association. (To afford mutual means of education to members.) Apr. 23.

" 265 An act for the further support and extension of Common Schools in the city of New York. Apr. 25.

" 284 An act concerning School Districts No. 2 and 5, in the town of Kinderhook. Apr. 27.

" 287 An act relative to monies in the hands of overseers of the poor. Apr. 27.

" 299 An act to authorize the overseers of the poor of the town of Pierpont in St. Lawrence County, to pay certain monies to the commissioners of Common Schools in the said town. Apr. 29.

" 302 An act to create a fund in aid of the society for the Reformation of Juvenile Delinquents in the city of New York and for other purposes. Apr. 29.

" 324 An act to provide for the apportionment of school money in the city of Schenectady. Apr. 30.

1829 325 An act making further appropriations to complete the Cayuga and Seneca Canal and for other purposes. (Capital of school and literature funds to be thus invested.) Apr. 30.

" 332 An act to amend the act entitled, "An act to incorporate the Rochester High School in the County of Monroe," passed March 15, 1827. Apr. 30.

" 337 An act to amend Ch. 284, 1829. May 1.

" 339 An act authorizing the commissioners of Common Schools in the town of Covert in the county of Seneca, to alter the time of apportioning the public school money to the trustees of the several school districts of said town. May. 1.

" 345 An act to incorporate the New York Sacred Music Society. May 1.

" 350 An act for the relief of the New York Protestant Episcopal Public School. May 2.

1830 32 An act to change the name of the Buffalo High School Association. Feb. 12.

" 44 An act appropriating certain poor funds in the town of De Kalb in the county of St. Lawrence, to the Common Schools of said town. Feb. 22.

" 53 An act to incorporate the Clinton Hall Association in the city of New York. Feb. 23.

" 65 An act relative to the Gospel and School Lots in the county of St. Lawrence. Mar. 4.

" 115 An act relative to School District No. 1, in the town of Palmyra and county of Wayne. Apr. 6.

" 125 An act to authorize the trustees of Romulus to receive certain moneys of David Dey. Apr. 7.

" 132 An act to authorize a sale of the School Lot in the village or Oswego. Apr. 9.

" 170 An act to amend Chap. 166 of 1825. Apr. 15.

1830	240	An act relating to Common Schools in the city of Albany. Apr. 17.
"	284	An act to repeal Chap. 87 of 1817. Apr. 20.
"	320	An act to amend certain provisions of the Revised Statutes and in addition thereto. Apr. 20.
1831	9	An act to amend Chap. 240 of 1830. Jan. 25.
"	17	An act to incorporate the Brooklyn African Woolman Benevolent Society. Jan. 28.
"	44	An act concerning District School Houses. Feb. 17.
"	51	An act to authorize the trustees of the Rochester High School to raise money by tax. Feb. 23.
"	111	An act to amend an act entitled, "An act relating to Common Schools in the city of Albany." Ch. 240 of 1830. Apr. 11.
"	119	An act for extension of schools in the city of New York. Apr. 13.
"	125	An act to authorize the application of the interest of the poor fund of the town of Macdonough to the support of Common Schools. Apr. 14.
"	136	An act relative to Common schools in the village of Utica. Apr. 16.
"	142	An act supplementary to certain acts relative to Deaf and Dumb. Apr. 18.
"	159	An act relative to the town of Cameron in the county of Steuben. (Poor funds to be used for Common Schools.) Apr. 18.
"	164	An act for the relief of the Shinecock Tribe of Indians. (Money for education.) Apr. 19.
"	176	An act incorporating the University of the city of New York. Apr. 19.
"	186	An act to amend Chap. 302 of 1829. Apr. 21.

1831 206 An act to amend the Revised Statutes relating to Common Schools. Apr. 21.

" 214 An act to incorporate the New York Institution for the Blind. Apr. 21.

" 234 An act to provide for sick and disabled seamen. (Sec. 13 provides $8,000 for Society for Reformation of Juvenile Delinquents.) Apr. 22.

" 264 An act to incorporate the College of Pharmacy of the City of New York. Apr. 25.

" 267 An act in relation to the funds of Union College. Apr. 25.

" 268 An act to lay a tax upon the inhabitants of School District No. 3, in the town of Bushwick in the county of Kings. Apr. 25.

" 273 An act authorizing the supervisors of the county of Schenectady to sell the present Court House and Jail and Fire proof Clerk's Office and for other purposes. (Schenectady Academy revived.) Apr. 25.

" 277 An act to amend the act for the relief and support of indigent persons, Rev. St., Pt. I, Chap. 20. Apr. 25.

" 281 An act concerning the Literature Fund, Oswego Canal Fund, and the Erie and Champlain Canal Fund. Apr. 25.

" 297 An act authorizing the application of the interest arising from the Poor Fund of the town of Russel to the School Fund. Apr. 26.

" 309 An act respecting Geneva College. Apr. 26.

1832 8 An act for the improvement of the literature fund. Jan. 25.

39 An act authorizing the assessment and collection of a certain sum of money in School District No. 2, in the town of Watervliet, county of Albany. Mar. 15.

" 127 An act authorizing the trustees of Fort Covington Academy to erect an edifice on the Public Square in the village of Fort Covington and for other purposes. Apr. 13.

1832	136	An act to constitute the colored children of Rochester a separate school. Apr. 14.
"	145	An act to incorporate the Buffalo Lyceum. Apr. 16.
"	170	An act in relation to the recording of mortgages belonging to the trustees of Franklin Academy in the county of Franklin. Apr. 17.
"	203	An act to provide for a permanent District School in Syracuse. Apr. 20.
"	223	An act to amend Chap. 234 of 1822. Apr. 23.
"	255	An act to authorize the assessment and collection of certain money within School District No. 11, in the town of Farmington. Apr. 25.
"	263	An act relating to the second school district in the city of Albany. Apr. 25.
"	296	An act for the support of the Government of this state. (Money from the School Fund to be used for general state expenses when necessary; the same to be replaced by bonds and mortgages.) Apr. 26.
"	299	An act relating to Common Schools. Apr. 26.
"	317	An act to amend the act relating to Common Schools. Apr. 26.
"	326	The act to amend the charter of the College of Pharmacy in the city of New York. 1831 Ch. 264. Apr. 26.
"	327	An act to amend an act entitled, "An act to incorporate the Rensselaer School." 1826 Ch. 83. Apr. 26.
1833	9	An act for the relief of the High School Society of New York. Jan. 22.
"	71	An act for the relief of Stephen Sprague, Orange Spalding and Robert R. Cowan, late trustees of School District No. 12, in the town of Aurelius. Mar. 22.
"	76	An act to extend the charter of the American Academy of Fine Arts. Mar. 23.

1833 91 An act to incorporate the Utica Mechanics' Association. Mar. 30.

" 93 An act relative to ferry lot in Lewiston. (Renewal of lease. Money for schools.) Apr. 1.

" 109 An act increasing the number of state pupils at the New York Institution for the instruction of the Deaf and Dumb. Apr. 6.

" 122 An act to amend the act incorporating the Livingston County High School Association. 1829 Ch. 64. Apr. 8.

" 209 An act to incorporate the Mechanics' Institute of the City of N. Y. Apr. 24.

" 249 An act authorizing the Board of Supervisors of the county of St. Lawrence to lay a tax on the town of Oswegatchie, to be invested in an academy and lot and for other purposes. Apr. 26.

" 320 An act for the payment of certain officers and expenses of government. (Rain gages to be furnished to all academies under the regents at an expense of $50.) Apr. 30.

1834 14 An act authorizing the trustees of School District No. 12, in the town of Chenango, to sell a school lot. Feb. 19.

" 35 An act authorizing the commissioners of school money in the city and county of New York, to use a part of the special school tax money raised in said city and county to pay their expenses. Mar. 14.

" 67 An act for the relief of the New York Institution for the instruction of the Deaf and Dumb. Apr. 3.

" 72 An act to enable the Mayor, Aldermen and Commonalty of the city of New York to raise money by tax. Apr. 5.

" 100 An act relative to the south half of the Gospel and School Lot in the town of Guilford in the county of Chenango. Apr. 11.

" 101 An act to authorize the building of a school house in the village of Lewiston. Apr. 11.

" 107 An act for the relief of School District No. 3, in the town of Gates, in the county of Monroe. Apr. 15.

1834	117	An act confirming the acts of the commissioners of Common Schools in the division of the school district composed of parts of the towns of Colesville and Windsor, in the county of Broome. Apr. 16.
"	140	An act relating to the distribution and application of the revenues of the Literature Fund. Apr. 22.
"	173	An act in addition to Chap. 249 of 1833. Apr. 24.
"	181	An act for the relief of the trustees of the Middlebury Academy. Apr. 26.
"	199	An act to incorporate the city of Rochester. (Title 6, Of Common and Other Schools.) Apr. 28.
"	208	An act to amend an act entitled "An act to incorporate the trustees of the Harlem School in the 12th Ward of New York City." 1827 Ch. 149. Apr. 29.
"	230	An act further to amend Chap. 185 of 1826 (Sections 3-13 relating to schools.) May 1.
"	241	An act concerning the Literature Fund. May 2.
"	277	An act to authorize the trustees of School District No. 3, in the town of Chenango in the county of Broome, to sell and convey their school lot. May 5.
"	296	An act to amend an act entitled, "An act to incorporate the city of Troy and for other purposes." (Sections 15-17 concerning schools.) May 6.
"	316	An act in aid of the New York Institution for the Blind. May 6.
1835	34	An act relating to public instruction. Mar. 14.
"	45	An act to amend the 7th Title and 14th Chapter of the First Part of the Revised Statutes entitled, "General regulations concerning the practice of physic and surgery in this state." (Relative to the standing of Geneva Medical College.) Mar. 27.
"	61	An act to incorporate the Troy Orphan Asylum. (Education clause in indentures.) Apr. 10.

1835	64	An act relative to the school connected with the Alms House of the city of New York. Apr. 13.
"	79	An act to incorporate the Ithaca Mechanics' Society. Apr. 13.
"	80	An act relating to public instruction. Apr. 13.
"	88	An act relative to the School Fund of the town of De Kalb in St. Lawrence county. Apr. 13.
"	118	An act to amend Chap. 249 of 1833. Apr. 20.
"	123	An act relating to academies. Apr. 20.
"	129	An act to amend the act to incorporate the city of Brooklyn. (Sections 15 and 16 relative to schools.) Apr. 23.
"	138	An act for the relief of Montgomery Academy. Apr. 23.
"	144	An act in relation to School District No. 13, in the town of Newburgh and county of Orange. Apr. 23.
"	148	An act authorizing the trustees of School District No. 10 in the city of Rochester, to sell a part of their school house lot. Apr. 23.
"	169	An act relative to the St. Lawrence Academy. Apr. 28.
"	235	An act to amend an act entitled, "An act to divide the the town of Sempronius in the county of Cayuga," so much as related to the division of school moneys. May 6.
"	241	An act authorizing the Supervisors of the county of St. Lawrence, to levy a tax for the benefit of a classical school in the town of Canton. May 8.
"	242	An act to change the name of the Seminary of the Genesee and Oneida Conferences and for other purposes. May 8.
"	254	An act to amend an act entitled, "An act to amend an act to incorporate the Rensselaer School." 1832 Ch. 327. May 9.
"	260	An act regulating the specific funds of the state. May 9.
"	270	An act to authorize the raising of money for the support of the Lancaster School of the city of Hudson. May 11.

1835	308	An act to amend Title II, Chap. 15, Pt. I Revised Statutes. May 11.
1836	4	An act in relation to School District No. 8, in the town of York. Jan. 21.
"	29	An act to provide for the rebuilding of the Franklin Academy. Feb. 25.
"	44	An act to amend the act entitled, "An act to incorporate the Genesee Wesleyan Seminary," passed May 1, 1834. Mar. 9.
"	63	An act to provide for the rebuilding of the Lowville Academy. Mar. 21.
"	81	An act to authorize the trustees of the Ithaca Academy to sell and convey their real estate, and for other purposes. Mar. 30.
"	93	An act relative to the Common Schools of the city of Brooklyn. Apr. 2.
"	104	An act authorizing the trustees of School District No. 12, in the town of Oswego and county of Oswego, to sell a part of their school lot. Apr. 8.
"	110	An act to incorporate the University of Western New York. Apr. 8.
	162	An act in relation to the Alexander Classical School in the county of Genesee. Apr. 20.
"	165	An act further to amend the act entitled, "An act to incorporate the Rochester High School, in the county of Monroe," passed March 15, 1827. Apr. 20.
"	175	An act to incorporate the Mechanics' Society of Buffalo. (To establish library and free school.) Apr. 23.
"	206	An act relative to the Roman Catholic Benevolent Society in the city of New York. Apr. 29.
"	226	An act in aid of the New York Institution for the Blind. Apr. 30.

1836	228	An act to renew the charter of the New York Institution for the Instruction of the Deaf and Dumb, and for other purposes. Apr. 30.
"	259	An act to incorporate the New York State Agricultural School. May 6.
"	310	An act for the relief of School District No. 7, in the town of Newark and county of Tioga. May 12.
"	330	An act to incorporate the Oswego Mechanics' and Manufacturers' Association. (For the extension of knowledge.) May 13.
"	345	An act to incorporate the Skaneateles Mechanics' Literary Association. May 13.
"	399	An act to amend Chap. 226 of 1836. May 20.
"	466	An act to incorporate the Stuyvesant Institute of the city of New York. (Library and reading room.) May 25.
"	471	An act in relation to School District No. 5, in the town of Warsaw, in the county of Genesee. May 25.
"	504	An act to incorporate the trustees of the Theological Seminary of the Associate Reformed Church of New York. May 25.
"	511	An act authorizing the directors of the Central Asylum for Instruction of the Deaf and Dumb, to dispose of the property of said institution and for other purposes. May 26.
"	516	An act to incorporate the Elmira Mechanics' Society. May 26.
"	519	An act to incorporate the Poughkeepsie Mechanics' Association. May 26.
1837	25	An act authorizing the establishment of a Medical Faculty in the University of the city of New York. Feb. 11.
"	63	An act to amend the act entitled, "An act regulating the specific funds of the state," passed May 9, 1835. Mar. 14.

1837	108	An act to repeal, "An act to provide for a permanent District School in Syracuse." Mar. 25.
"	147	An act to incorporate the Orphan Asylum of St. John's Church in the city of Utica. (Relief and Education of orphans.) Apr. 3.
"	148	An act relative to school District No. 6, in the city of Brooklyn. Apr. 3.
"	150	An act authorizing the loan of certain monies deposited with the State. Apr. 4.
"	151	An act authorizing the Supervisors of the county of St. Lawrence to levy a tax for the benefit of the Canton Academy in the town of Canton. Apr. 4.
"	200	An act concerning the compensation of the Superintendent of Common Schools. Apr. 14.
"	203	An act to amend the act entitled, "An act to incorporate the Saratoga Academy and Scientific Institute," passed April 28, 1835. Apr. 15.
"	206	An act for the relief of the trustees of Middlebury Academy. Apr. 15.
"	213	An act to provide for the erection of a district school building in each district east of Perry St. in the city of Albany. Apr. 20.
"	241	An act concerning Common Schools. Apr. 22.
"	259	An act to incorporate the Buffalo Orphan Asylum. Apr. 24.
"	272	An act to incorporate the Society for the relief of half orphan and destitute children in the city of N. Y. Apr. 27.
"	298	An act concerning Common Schools. May 1.
"	323	An act in relation to School District No. 1, in the town of Boonville. May 5.
"	339	An act to incorporate the Troy Female Seminary. May 6.

1837 351 An act to revive the act incorporating the Troy Academy and to unite the same with the Rensselaer Institute. May 8.

" 358 An act relative to the Common Schools in the city of Albany. May 8.

" 369 An act to amend an act entitled, "An act relating to Common Schools in the city of Albany." Ch. 358 of 1837. May 9.

" 392 An act to amend an act entitled, "An act to incorporate the city of Buffalo," passed April 20, 1832. May 11.

" 459 An act to incorporate the American Society for the diffusion of useful knowledge. May 16.

1838 11 An act granting relief to the trustees of school District No. 3, in the town of Fabius. Jan. 27.

" 43 An act to create a school district from Lansingburgh to Troy. Feb. 20.

" 63 An act further to amend an act entitled, "An act to incorporate the city of Buffalo," passed April 20, 1832. (Sections 15 and 25 relate to schools.) Mar. 12.

" 104 An act to incorporate the Rochester Orphan Asylum. Mar. 23.

" 131 An act for the relief of the Essex County Academy. Mar. 29.

" 151 An act in relation to the city of Troy. Apr. 2.

" 156 An act relative to the city of Brooklyn. Apr. 6.

" 168 An act to amend and continue in force the act entitled, "An act to incorporate the New York State Agricultural School," passed May 6, 1836. Apr. 6.

" 228 An act to amend the act entitled, "An act to incorporate the Aurora Manual Labor Seminary in the county of Erie." Apr. 16.

" 237 An act to appropriate the income of the United States deposit fund to the purposes of education and the diffusion of knowledge. Apr. 17.

1838	244	An act in relation to the New York Institution for the instruction of the Deaf and Dumb. Apr. 18.
"	271	An act for the relief of the Hudson Academy. Apr. 18.
"	294	An act to incorporate the Richmond College. Apr. 18.
"	329	An act to amend, "An act to incorporate the Orphan Asylum Society in the city of Brooklyn" (Indentures to contain educationl clause.) Apr. 18.
1839	24	An act further to amend the charter of the city of Buffalo. Feb. 14.
"	26	An act to incorporate the Albany Medical College. Feb. 16.
"	36	An act to incorporate the Mechanics' Literary Association of Rochester. Feb. 25.
"	63	An act in relation to the Hudson Lancaster School. Mar. 9.
"	64	An act authorizing a loan to the town of Governeur. Mar. 9.
"	99	An act to incorporate the Union Theological Seminary in the city of New York. Mar. 27.
"	109	An act to amend an act entitled, "An act to incorporate the Schenectady Lyceum and Academy," passed March 22, 1837. Mar. 28.
"	123	An act to incorporate the trustees of the Protestant Episcopal Society for promoting religion and learning in the state of New York. Apr. 4.
"	177	An act respecting School District Libraries. Apr. 15.
"	192	An act in relation to a school lot in the town of Olean. Apr. 18.
"	200	An act to extend the benefits of instruction to the Blind and for other purposes. Apr. 18.
"	222	An act to amend several acts relative to the city of Schenectady. Apr. 23.

1839 226 An act in relation to the powers of the regents of the University. Apr. 25.

" 229 An act relating to School District No. 3, in the town of Batavia. Apr. 25.

" 254 An act in aid of the Genesee Wesleyan Seminary. Apr. 26.

" 330 An act to amend title 2 of chapter 15 of the first part of the Revised Statutes relating to Common Schools. Mav 3.

" 357 An act for the relief of Jermiah Dunham. (For loss on a contract to build a school house.) May 7.

" 390 An act for the payment of certain officers of the government and for other purposes. ($200 to the supt. for clerk hire.) May 7.

1840 174 An act extending an act for the relief of the New York Institution for the instruction of the Deaf and Dumb. Apr. 27.

" 250 An act to incorporate the proprietors of a literary institution in the town of Flushing in the county of Queens, commonly known by the name of St. Paul's College. May 9.

" 294 An act in relation to the United States Deposit Fund and the Common School Fund. May 13.

" 318 An act authorizing certain trusts. (Trust funds for colleges.) May 14.

" 373 An act further to amend an act entitled, "An act to incorporate the city of Rochester." May 14.

1841 33 An act to repeal an act entitled, "An act to incorporate the Watertown Academy," passed May 2, 1833. Feb. 19.

" 55 An act to incorporate the Brooklyn Natural History Society. Mar. 15.

" 63 An act for the relief of Lewis A. Talman. (School Commissioner.) Mar. 20.

1841	77	An act for the division and equalization of the wards of the city of Albany, and for other purposes. Mar. 30.
"	85	An act to loan money to the trustees of St. Lawrence Academy. Apr. 1.
"	108	An act to incorporate the Auburn Literary Association. Apr. 17.
"	163	An act to provide for the education of the indigent Deaf and Dumb. May 1.
"	175	An act to continue and extend the benefits of instruction to the Blind. May 7.
"	207	An act to incorporate the Plattsburgh Lyceum. May 20.
"	208	An act further to amend an act entitled, "An act to incorporate the city of Rochester," passed April 28, 1834. May 20.
"	221	An act to aid the Albany Medical College. May 25.
"	223	An act to endow the Medical Institution of Geneva College. May 25.
"	234	An act in relation to certain tribes of Indians. May 25.
"	241	An act authorizing the corporation of the city of Troy to create a sinking fund. May 25.
"	260	An act to amend the 2nd Title of the 15th Chapter of the 1st part of the Revised Statutes relating to Common Schools. May 26.
"	261	An act in addition to the "Act authorizing certain trusts," passed May 14, 1840. May 26.
"	265	An act to extend the provisions of an act to provide for the rebuilding of the Lowville Academy. May 26.
"	267	An act further to amend the charter of the city of Brooklyn. May 26.
"	315	An act to repeal the act incorporating the "Lansingburgh Monitorial School Society," passed April 14, 1827. May 26.

1841 329 An act for the relief of Samuel White, Arnold Field, and Tracy S. Knap, trustees of School District No. 16, in New Berlin. Apr. 26.

" 350 An act in relation to Common Schools in the city of Hudson. May 26.

1842 30 An act to enable the General Society of Mechanics and Tradesmen of the city of New York to extend the benefits of their School and Library. Feb. 7.

" 113 An act to authorize the trustees of the Walkill Academy to borrow money. Mar. 29.

" 114 An act to provide for paying the debts and preserving the credit of the state. (Certain monies to go to school fund.) Mar. 29.

" 137 An act in relation to Common Schools in the city of Utica. Apr. 7.

" 142 An act in relation to the Regents of the University. Apr. 8.

" 144 An act to confirm certain proceedings of the trustees of School District No. 3, of the village and town of Watertown. Apr. 8.

" 150 An act to extend to the city and county of New York the provisions of the general act in relation to Common Schools. Apr. 11.

" 156 An act to amend an act entitled, "An act to incorporate the Fulton Female Seminary," passed May 25, 1836. Apr. 11.

" 174 An act relative to the Millville Academy. Apr. 11.

" 230 An act for the relief of Samuel White, Tracy S. Knap, and Arnold Field, late trustees of School District No. 16, in the town of New Berlin. Apr. 12.

" 235 An act to amend the act entitled, "An act to incorporate the Baptist Education Society of the state of New York," passed March 5, 1819. Apr. 12.

" 252 An act to incorporate the St. Joseph's Orphan Asylum Society of the city of Albany. Apr. 12.

1842	268	An act to amend an act entitled, "An act to incorporate the Clyde High School," passed April 24, 1834, and for other purposes. Apr. 12.
"	273	An act concerning the First School District in the city of Troy. Apr. 12.
"	281	An act to renew an act of April 12, 1837 (Relative to Canton Academy.) Apr. 12.
"	282	An act relative to School District No. 5, in the city of Rochester. Apr. 12.
"	290	An act to provide for the payment of certain expenses of government. Apr. 12.
"	321	An act in relation to the Lewisboro School Fund. Apr. 12.
1843	11	An act for the relief of Mumford Clark, collector of School District No. 6, in the town of Pittsford. Jan. 31.
"	12	An act to amend an act entitled, "An act in relation to Common Schools in the city of Hudson," passed May 26, 1841. Jan. 31.
"	31	An act concerning the First School District in the city of Troy. Mar. 1.
"	63	An act relative to Common Schools for the city of Brooklyn. Mar. 23.
"	66	An act to confirm the official acts of Jeremiah Howe, Charles Wright, and Isaac Hays, trustees of the Lewis School Fund in the town of Lewisboro in the county of Westchester. Mar. 28.
"	104	An act to authorize the trustees of School District No. 3, in the town of Orwell, county of Oswego, to sell a part of their school lot. Apr. 12.
"	111	An act relative to the ferry lot at Lewiston, in the county of Niagara. (Leased to Lewiston Academy.) Apr. 12.
"	132	An act to consolidate and amend the act to incorporate the city of Buffalo and the various acts amendatory thereof, passed April 20, 1832. Apr. 17.
"	133	An act amendatory to the several acts relating to Common Schools. Apr. 17.

1843 211 An act to establish Free Schools in the village of Poughkeepsie. Apr. 18.

" 216 An act to amend Chap. 150 of 1842. Apr. 18.

1844 15 An act to amend the act entitled, "An act authorizing a loan of certain moneys belonging to the United States, deposited with the state of New York for safe keeping." Feb. 7.

" 59 An act to amend the charter of the Public School Society of New York. Mar. 23.

" 64 An act to amend the act in relation to the Ogdensburgh Academy, passed April 24, 1834. Mar. 23.

" 75 An act in relation to School District No. 6, in the town of Lyons. Mar. 27.

" 110 An act in relation to the trustees of the Cayuga Academy. Apr. 1.

" 119 An act to confirm the proceedings of the trustees of School District No. 11, in the towns of Pamelia and Le Ray in the county of Jefferson. Apr. 5.

" 128 An act amendatory of the several acts relating to District Schools in the city of Albany. Apr. 8.

" 131 An act to amend an act entitled, "An act in relation to Common Schools in the city of Utica," passed April 7, 1842. Apr. 8.

" 132 An act providing for the appointment and compensation of a Librarian for the Joint School District Library of the city of Hudson. Apr. 8.

" 136 An act for the relief of the trustees of Joint School District No. 7, in the towns of Malta, Milton, and Saratoga Springs. Apr. 8.

" 140 An act relative to School Districts No. 5, and 3, in the city of Rochester. Apr. 10.

" 145 An act to consolidate and amend the act to incorporate the city of Rochester, passed April 28, 1834, and the several acts amendatory thereof. Apr. 11.

1844	175	An act in relation to School District No. 1, in the town of Seneca and county of Ontario. Apr. 22.
"	181	An act in relation to Common Schools in the town of Williamsburgh in the county of Kings. Apr. 23.
"	234	An act in relation to Common Schools in the town of Flatbush in the county of Kings. Apr. 30.
"	253	An act for the relief of the Genessee Wesleyan Seminary. May 3.
"	260	An act in relation to School District No. 1, in the town of Brownville in the County of Jefferson. May 4.
"	279	An act to aid the Albany Medical College, the Medical Institution of Geneva College, and the Medical Department of the New York University. May 6.
"	285	An act to amend Chap. 123 of 1839. May 6.
"	298	An act to incorporate the Western Collegiate Institute in the city of New York. May 7.
"	311	An act for the establishment of a Normal School. May 7.
"	320	An act more effectually to provide for Common School education in the city and county of New York. May 7.
"	329	An act to amend an act entitled, "An act relating to Common Schools for the city of Brooklyn," passed March 23, 1843. May 7.
1845	4	An act in relation to Common Schools. Jan. 28.
"	14	An act extending an act for the relief of the New York Institution for the Instruction of the Deaf and Dumb. Feb. 28.
"	18	An act to amend, Chap. 44 of 1828. Mar. 5.
"	46	An act to authorize and require the trustees of Joint School District No. 14, of Clay and Cicero, to levy and collect a tax for the relief of Hiram M. Wright and Joseph Rector. Apr. 7.

1845 51 An act for the relief of Richard Perkins, William M. Smith, and Joseph U. Blood. (To reimburse them for money paid for teachers wages.) Apr. 10.

" 58 An act for the relief of the New York Institution for the the Blind. Apr. 12.

" 66 An act authorizing a loan from the Common School Fund to the county of Jefferson to defray the expenses of building a bridge across Black River at Watertown. Apr. 14.

" 86 An act in relation to the Newburgh High School. Apr. 24.

" 88 An act relative to School District No. 2, in the city of Rochester. Apr. 24.

" 118 An act to amend Chap. 145 of 1844. May 2.

" 142 An act in relation to the Normal School. May 7.

" 165 An act to amend Chap. 26 of 1839. May 10.

" 169 An act to incorporate the trustees and associates of the Brooklyn Benevolent Society. May 10.

" 179 An act to provide for the safe keeping of the Cabinets of Natural History and for other purposes. May 10.

" 183 An act to incorporate the Syracuse Orphan Asylum. May 10.

" 184 An act to increase the capital of the Common School Fund. May 10.

" 195 An act in relation to stocks in moneyed corporations held by the state or by literary or charitable institutions. May 13.

" 198 An act to incorporate the Williamsburgh Lyceum. May 13.

" 200 An act to incorporate the Freeman's Hall Association of the city of Brooklyn. (Education of Orphan Children) May 13.

" 221 An act to incorporate the Brooklyn African Tompkins Association. May 13.

1845	228	An act to prevent the disturbance of evening schools in the several school district houses in this state. May 13.
"	232	An act to incorporate the Schenectady Reference Library Company. May 13.
"	233	An act for the relief of the trustees of School District No. 11, in the town of Otselio, Chenango County. May 13.
"	245	An act to amend Chap. 128 of 1844. May 13.
"	267	An act to amend an act entitled, "An act authorizing a loan of certain moneys belonging to the United States deposited with the state of New York for safe keeping," passed April 4, 1837. May 13.
"	276	An act to amend, "An act to incorporate the Rensselaer Oswego Academy," passed April 13, 1826. May 14.
"	288	An act for the safe keeping and to provide a time for the distribution of the Gospel and School Fund moneys in the several towns in the county of Onandaga. May 14.
"	306	An act to enlarge Chap. 63 of 1843. May 14.
"	310	An act for the relief of James D. Sparkman, William Leaycraft and Samuel Cox. (Having expended money for schools.) May 14.
"	330	An act to incorporate the Roman Catholic Orphan Asylum Society of the city of Rochester. May 14.
1846	6	An act relative to School District No. 8, in the town of Brutus. Jan. 31.
"	7	An act in relation to Common Schools in the City of Utica. Feb. 2.
"	40	An act to incorporate the Madison University. Mar. 26.
"	41	An act to incorporate the Polish Slavonian Literary Association in the state of New York. Mar. 26.
"	45	An act to amend the law in relation to Common Schools. Apr. 1.

1846 47 An act authorizing the trustees of School District No. 10 in the town of Littlefalls, to borrow money to build a school house. Apr. 1.

" 48 An act to confirm the proceedings of the Joint School District, composed of District No. 5, in Adams, and District No. 6 in the town of Henderson in the county of Jefferson. Apr. 1.

" 53 An act for the relief of Cyril Carpenter, Isaac Josleyn, and Isaac Barnes, now late trustees of District No. 10, in the town of Sweden. Apr. 2.

" 61 An act to incorporate St. John's College, Fordham. Apr. 10.

" 66 An act in relation to the dissolution of Common School Districts. Apr. 15.

" 74 An act to amend Chap. 261, of 1841. Apr. 21.

" 88 An act to dissolve the "Buffalo Library and Scientific Academy." Apr. 21.

" 90 An act to incorporate the Hudson Orphan and Relief Association. Apr. 21.

" 101 An act to incorporate the Union Lyceum of Lyons. Apr. 22.

" 114 An act to provide for the education of the children of the Onondaga Indians in the county of Onondaga, and the children of the other Indians residing in this state. Apr. 30.

" 119 An act to authorize the trustees of the school district at the village of Williamsville in the town of Amherst and county of Erie, to make separate rate bills for the higher and primary departments of the schools kept in said districts. Apr. 30.

" 143 An act to authorize the establishment of a House of Refuge for Juvenile Delinquents in Western New York. May 8.

" 146 An act to incorporate the University of Rochester. May 8.

1846	186	An act to abolish the office of trustees of the Gospel and School lots and to transfer the powers and duties of the same to the town superintendent of Common Schools. May 11.
"	193	An act to incorporate the University of Buffalo. May 11.
"	207	An act concerning the Lodi Union School District and District No. 1, in the village of Oswego. May 12.
"	235	An act in relation to Common Schools in the town of Flatbush in the county of Kings. May 12.
"	262	An act to change the name of the Black River Literary and Religious Institute. May 12.
"	309	An act to amend, "An act to incorporate the stockholders of the Livingston County High School Association," passed March 10, 1827. May 13.
1847	8	An act appropriating the annual revenues of the Common School and United States Deposit Funds. Feb. 12.
"	28	An act relative to Union School District No. 1, in the town of Palmyra. Mar. 19.
"	34	An act to amend an act entitled, "An act to incorporate the University of Buffalo," passed May 11, 1846. Mar. 22.
"	36	An act relative to the Oneida Conference Seminary. Mar. 24.
"	40	An act for the relief of Cyril Carpenter, Isaac Josleyn, and Isaac Barnes, late trustees of School District No. 10 in the town of Sweden. Mar. 26.
"	42	An act making appropriations for the expenses of government, (For the salary of the Secretary of State, and as Superintendent of Common Schools, two thousand five hundred dollars, also appropriations to schools.) Mar. 29.
"	43	An act to authorize the inhabitants of Consolidated School District No. 2, in the village of Batavia, Genesee County, to raise money. Mar. 29.

1847	50	An act making an appropriation for the support of the State Normal School. Mar. 31.
"	51	An act in relation to Common Schools in the village of of Lockport. Mar. 31.
"	53	An act to reduce the number of trustees of the Westfield Academy. Apr. 5.
"	74	An act to authorize the Board of Education of the city of New York, to establish evening free schools for the education of apprentices and others. Apr. 16.
"	84	An act to supply vacancies in the Board of Trustees of Union College. Apr. 19.
"	87	An act to authorize School District No. 20, in the town of Denmark, Lewis county, to levy and collect a tax. Apr. 19.
"	129	An act to authorize the Superintendent of Common Schools of the town of Moravia to sell lot number 52, in said town. Apr. 23.
"	165	An act to amend an act entitled, "An act to incorporate the Syracuse Orphan Asylum," passed May 10, 1845. Apr. 30.
"	167	An act to authorize the trustees of School District No. 2, in the town Otselic, to raise money by tax on said district to pay the costs and expenses incurred by said district or its trustees in a suit against Isaiah Lewis. Apr. 30.
"	172	An act in relation to suits against district school officers. May 1.
"	206	An act authorizing the Board of Education of the city and county of New York to establish a free academy in said city. May 7.
"	208	An act making further provision for the Indian School at St. Regis and repealing the second section of the act entitled, "An act to amend the law in relation to Common Schools," passed April 1, 1846. May 7.
"	211	An act in relation to the payment of taxes in school districts. May 7.

1847	214	An act to levy a tax in Joint School District No. 7, in the towns of Canton and DeKalb in the county of St. Lawrence, to reimburse Sylvanus Stiles and Theodorus Frisbie certain expenses incurred in behalf of said district. May 7.
"	238	An act making appropriations for building and furnishing school houses and providing for the education of the children of Indians residing on the Cattaraugus and Allegany Reservations. May 7.
"	252	An act to amend Chap. 320 of 1844. May 11.
"	258	An act appropriating the annual revenue of the Literature and United States Deposit Funds, of the years 1847 and 1848. May 12.
"	264	An act authorizing the trustees of School District No. 1, in the town of Little Falls, to borrow money to build a school house. May 12.
"	269	An act for the relief of certain purchasers of lands in the Oneida Purchases of 1830, 1834, 1840 and 1841. May 12.
"	275	An act to elect trustees of the Westfield Academy. May 12.
"	282	An act in relation to School District No. 8, in the town of Royalton. May 12.
"	292	An act to provide for the payment of money for the education of the children of Indians residing on the Oneida Reservation, in the counties of Oneida and Madison. Sept. 13.
"	302	An act to authorize School District No. 11, in the town of Brasher in the county of St. Lawrence to sell their lot. Sept. 25.
"	311	An act to provide for free schools in the town of Bushwick. Oct. 16.
"	330	An act for the relief of Sherburne Union Academy. Oct. 25.
"	332	An act authorizing School District No. 6, in the town of Lyons to raise money by tax. Oct. 26.

1847 335 An act to authorize School District No. 1, in the town of Waterloo to raise a tax. Oct. 26.

" 336 An act to provide for a free school in district No. 1 in the town of Lansingburgh. Oct. 26.

" 342 An act authorizing a loan from the School Fund to the the town of Orleans. Oct. 28.

" 345 An act to authorize the trustees of School District No. 3, in the town of Williamsburgh to borrow money for building a school house. Nov. 10.

" 350 An act in relation to reports of state officers. Nov. 11.

" 358 An act to abolish the office of county superintendent of common schools. Nov. 13.

" 361 An act for the establishment of teachers' institutes. Nov. 13.

" 388 An act in relation to appeals to the superintendent of common schools. Nov. 19.

" 407 An act to authorize a sale of the real estate of School District No. 2, of the town of Flatbush in Kings county. Nov. 27.

" 411 An act to reduce the number of trustees of Clyde High School and for other purposes concerning said school. Nov. 30.

" 424 An act making appropriations for the support of common schools for the year 1848 and to pay the salaries of County superintendents of common schools. Dec. 7.

" 425 An act to incorporate the New York Society for the promotion of education among colored children. Dec. 7.

" 434 An act to authorize Joint School District No. 2, composed of parts of the counties of Livingston, Monroe, and Ontario to raise a tax. Dec. 10.

" 443 An act relative to the valuation of property for school purposes in school districts situated in different towns. Dec. 11.

1847	480	An act relative to the office of town superintendent of common schools and amendatory of the Revised Statutes entitled, "Of Public Instruction." Dec. 15.
"	485	An act to provide for public instruction in Orphan Asylums. Dec. 15.
1848	7	An act making appropriations for the expenses of Government for nine months of the fiscal year ending September 13, 1848. Jan. 28.
"	8	An act to appoint a Superintendent of Common Schools of the city of Brooklyn. Jan. 28.
"	10	An act to revive and amend an act entitled, "An act to incorporate the Rome Academy." 1835 Ch. 168. Jan. 28.
"	39	An act to revive an act entitled, "An act for the relief of the Shinecock Tribe of Indians," passed April 19, 1831. Feb. 17.
"	71	An act in relation to the Public School Society of the city of New York. Mar. 4.
"	76	An act in relation to the Orphan Asylum Societies at Brooklyn. March 7.
"	81	An act to establish free schools in district No. 5, in the town of Flushing. Mar. 10.
"	94	An act to secure to school districts No. 4 in Edmeston, and number 6 in the town of Pittsfield in the county of Otsego, the legacies of Adin Deming, deceased. Mar. 16.
"	106	An act to incorporate the city of Auburn. Mar. 21.
"	110	An act to amend Chap. 150 of 1842. Mar. 21.
"	116	An act to incorporate the city of Oswego. Mar. 24.
"	128	An act to authorize the Board of Education of the city of New York to establish evening schools for the education of apprentices and others. Mar. 25.
"	131	An act to amend Chap. 320 of 1844. Mar. 27.

1848 137 An act to provide for a free school in district No. 5, in the town of Newtown in the county of Queens. Mar. 27.

" 138 An act to provide for a free school in district No. 4, in the town of Newtown in the county of Queens. Mar. 27.

" 165 An act in relation to the Madison University. Apr. 3.

" 174 An act providing for the election of City Superintendent of Common Schools of the city of Rochester by the electors of said city. Apr. 4.

" 179 An act in relation to the First School District in the city of Troy. Apr. 5.

" 190 An act further to amend Chap. 63 of 1843. Apr. 6.

" 192 An act to divide school district No. 13, in the town of Newburgh. Apr. 6.

" 193 An act to amend Chap. 214 of 1831. Apr. 7.

" 228 An act in relation to School District No. 12, in the towns of Milton and Ballston in the county of Saratoga. Apr. 11.

" 230 An act for the relief of the trustees of School District No. 10, in the town of Chatham in the county of Columbia. Apr. 11.

" 234 An act for the relief and benefit of the Cambridge Washington Academy. Apr. 11.

" 236 An act to appropriate portions of the income of the United States Deposits and Literature Funds to certain colleges and academies and for other purposes: Apr. 11.

" 238 An act in relation to public schools in the city of Syracuse. Apr. 11.

" 280 An act in relation to Monroe Academy in the town of Elbridge in the county of Onondaga. Apr. 12.

" 296 An act to incorporate the Liberty Normal Institute. Apr. 12.

" 316 An act to reimburse to the New York Institution for the Instruction of the Deaf and Dumb certain expense

incurred by them in furnishing clothing to the state pupils. Apr. 12.

1848 318 An act for the permanent establishment of the Normal School. Apr. 12.

" 365 An act to authorize the city of Albany to raise money by tax to build a district school house. Apr. 12.

" 381 An act making appropriations for the expenses of government for the fiscal year commencing Oct. 1, 1848, and for other purposes. Apr. 12.

1849 20 An act to levy a tax upon School District No. 14, in the towns of Milan and Pine Plains, to reimburse certain moneys to John Germond, David I. Hicks and Nathan Smith. Jan. 31.

" 29 An act making an appropriation to the New York Institution for the Instruction of the Deaf and Dumb to enable them to pay off their debt. Feb. 5.

" 47 An act to revise and amend the several acts relating to the city of Brooklyn. Feb. 19.

" 50 An act to provide for the completion of the Normal School Building. Feb. 24.

" 52 An act to incorporate the Genesee College. Feb. 27.

" 62 An act to amend Chap. 145 of 1844. Feb. 28.

" 78 An act to authorize the trustees of School District No. 1, in the town of German Flats, to borrow money to build a school house. Mar. 6.

" 98 An act authorizing a loan from the Common School Fund to the county of Orleans. Mar. 15.

" 101 An act to amend the charter of the Jefferson County Institute. Mar. 15.

" 117 An act to amend, Chap. 81 of 1848. Mar. 21.

" 136 An act to confirm the official acts of Hiram W. Jackson, of the town of China, as Superintendent of Common Schools. Mar. 26.

1849 140 An act establishing free schools throughout the state. Mar. 26.

" 147 An act to amend Chap. 144 of 1827. Mar. 27.

" 152 An act to incorporate to Saint Vincent's Orphan Asylum Society in the city of Albany. Mar. 27.

" 154 An act to require the town of Norfolk to pay the town of Louisville certain school moneys. Mar. 27.

" 166 An act to amend an act entitled, "An act to consolidate and amend the act to incorporate the city of Buffalo," passed April 20, 1832, and the various acts amendatory thereof, passed April 17, 1843. Mar. 29.

" 174 An act making appropriations for the support of Common Schools for the years 1849 and 1850. Mar. 30.

" 184 An act to amend and consolidate the several acts relating to the city of Utica. Mar. 31.

" 189 An act to authorize the inhabitants of Joint School District No. 5, in the town of Attica, county of Wyoming and town of Alexander, county of Genesee, to raise money. Apr. 2.

" 198 An act to amend the charter of the city of Troy and to provide for the establishment of free schools in said city. Apr. 4.

" 203 An act to authorize the town of Little Valley in the County of Chattaraugus, to raise money for the relief of Lyman S. Pratt. Apr. 4.

" 208 An act to annex a part of the town of Rockland to the town of Liberty in the county of Sullivan. Apr. 4.

" 244 An act to incorporate the American Female Guardian Society. Apr. 6.

" 253 An act in relation to the Utica Female Academy. Apr. 6.

" 267 An act in relation to the Fabius Select School in the county of Onandaga. Apr. 7.

" 270 An act to amend Chap. 176 of 1831. Apr. 7.

1849	286	An act in relation to Common Schools in the village of Medina. Apr. 9.
"	301	An act appropriating the revenues of the Literature and United States Deposit Fund. Apr. 10.
"	319	An act to amend, "An act to incorporate the Liberty Normal Institute," passed April 12, 1848. Apr. 10.
"	349	An act to amend an act entitled, "An act to incorporate the Fulton Academy," passed April 11, 1842. Apr. 11.
"	382	An act to amend Chap. 480 of 1847. Apr. 11.
"	388	An act to amend Chap. 172 of 1847. Apr. 11.
"	396	An act to amend Chap. 320 of 1844. Apr. 11.
"	404	An act to amend Chap. 140 of 1849. Apr. 11.
"	428	An act to amend Chap. 264 of 1817. Apr. 11.
"	430	An act making appropriations for the support of Government for the fiscal year commencing October 1, 1849. Apr. 11.
1850	7	An act to amend, Chap. 140 of 1849. Jan. 31.
"	14	An act authorizing school district No. 6, in the town of Lyons to collect a tax, voted by them in instalments. Feb. 16.
"	17	An act making appropriations in part for the expenses of government for the fiscal year commencing October 1, 1849 and for other purposes. Feb. 22.
"	25	An act to provide for the erection of a school house in district No. 5, in the town of Rome, and to change the site thereof. Mar. 1.
"	30	An act relative to the trustees of Alfred Academy. Mar. 2.
"	32	An act in relation to the free schools in the city of Rochester. Mar. 2.
"	37	An act establishing a fund for the benefit of the Stockbridge Indians. Mar. 2.

1850	49	An act to amend the several acts relating to Rensselaer Institute. Mar. 8.
"	51	An act to amend Chap. 114 of 1846. Mar. 8.
"	60	An act to establish a free school in district No. 3, in the town of Newtown. Mar. 16.
"	66	An act in relation to common schools in the city of Utica. Mar. 15.
"	77	An act to amend Chap. 51 of 1847. Mar. 18.
"	78	An act to authorize the trustees of School District No. 2, in the town of German Flats, to borrow money and to impose a tax for the repayment of the same. Mar. 20.
"	87	An act for the relief of the Roman Catholic Orphan Asylum in the city of Brooklyn. Mar. 23.
"	89	An act to provide for the support and education of a limited number of Indian youths of the state of New York at the state Normal School. Mar. 23.
"	101	An act to amend the charter of the Manhattanville Free School in the city of New York. Mar. 27.
"	109	An act to confirm the proceedings of the Board of Supervisors in the county of Allegany. Mar. 28.
"	135	An act making an appropriation to the Normal School Building. Apr. 1.
"	143	An act to reorganize and regulate the Common Schools and the Board of Education in the city of Brooklyn. Apr. 4.
"	146	An act to amend the charter of Syracuse. Apr. 4.
"	184	An act requiring the Supervisors of the several towns to take further security from the Town Superintendents of Common Schools whenever it is necessary for the safety of the public money. Apr. 6.
"	187	An act to divide the 12th Ward of the city of New York into 2 wards. Apr. 6.

1850 206 An act to incorporate the New York Medical College. Apr. 8.

" 259 An act authorizing a loan to the town of Alfred, in the county of Allegany, and to authorize the town of Alfred to reloan the same money to the trustees of the Alfred Academy. Apr. 10.

" 261 An act to provide for the better education of the children in the several Orphan Asylums in this state other than in the city of New York. Apr. 10.

" 262 An act to amend and consolidate the several acts relating to the city of Rochester. Apr. 10.

" 274 An act to provide for the payment of certain expenses of government. Apr. 10.

" 293 An act to consolidate School Districts No. 1 and 8, in the town of Herkimer and authorize them to borrow money. Apr. 10.

" 294 An act to amend an act entitled, "An act making an appropriation for the support in part of certain incorporated Orphan Asylums in this state," passed April 11, 1849. Apr. 10.

" 305 An act to authorize the Comptroller to loan money to the county of Jefferson. Apr. 10.

" 321 An act to amend, Chap. 286 of 1849. Apr. 10.

" 341 An act to establish free schools in the village of Cohoes. Apr. 10.

" 349 An act to regulate the free schools in the city of Auburn. Apr. 10.

" 353 An act in relation to free schools in the city of Troy, and School District No. 10, in the town of Lansingburgh. Apr. 10.

" 357 An act to authorize the Board of Education of the city of Brooklyn to sell a certain school lot. Apr. 10.

" 356 An act making appropriations for the support of the Government for the fiscal year commencing Oct. 1, 1850. Apr. 10.

1850 378 An act to submit to the people at the next annual elections the question of the repeal of the act establishing free schools throughout the state. Apr. 10.

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